

## LAW

No. 110/2018

## On NOTARIES

*(one sentence repealed by the decision of the Constitutional Court no. 32, dated October 27<sup>th</sup>, 2021,  
amended by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

Pursuant to Articles 78, 81(1), and 83(1) of the Constitution, upon the proposal of a member of Parliament,

THE PARLIAMENT  
OF THE REPUBLIC OF ALBANIA

HAS DECIDED:

## PART ONE

## ORGANIZATION OF THE NOTARY SERVICE

## CHAPTER I

## GENERAL PROVISIONS

## Article 1

**Object**

This Law sets out the rules for exercising the notary profession, as well as the manner of organization and functioning of the notary service in the Republic of Albania.

## Article 2

**Purpose**

The purpose of this Law is to guarantee the notary service and the exercise of the notary profession independently and in accordance with the Law.

## Article 3

**Definitions**

*(letters “a/1” and “b/1” added by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

In this Law, the following terms have the following meanings:

- a) “Chamber”, within the meaning of this Law, is the National Chamber of Notaries.
- a/1) “Professional integrity and reliability” means the determined pursuit of actions, omissions or behaviors that ensure the absence of reasonable suspicion, based on reliable evidence, data or facts, of the interested party or candidate for notary maintaining inappropriate contacts with persons involved in organized crime or in the commission of serious criminal offenses, as well as the absence of serious ethical and moral inappropriate behaviors that harm public confidence in the notary system.
- b) “Candidate for notary” is a person who has successfully completed the initial training at the Albanian Notary Training Center and who completes the 2-year practical training at a notary.
- b/1) “Inappropriate contact” is the association or maintenance of contacts through meetings, electronic communication, or any other means of intentional meeting with a person involved in

organized crime or in the commission of serious criminal offenses, when the association or maintenance of contacts is not carried out due to the exercise of duty.

c) “Notary” is a natural person licensed by the Minister of Justice to perform notarial activities within the territory of a given municipality, in accordance with the provisions of this Law.

d) “Qualification examination” is the examination taken by the notary candidate after completing the initial training and practical training, the successful completion of which enables the exercise of the function of deputy notary.

e) “Admission examination” is the examination for admission to the mandatory 1-year initial training.

dh) “Training Center”, within the meaning of this Law, is the Albanian Notary Training Center.

g) “Notary fees” are the fees for performing notarial acts or actions, which are displayed in every notary's office and are applied specifically for every notarial action.

h) “Notarial activities” are the actions performed in exercising the notary profession and which include the preparation, drafting, and unification of legal acts, as well as any other activity within the competence of the notary, according to the provisions of this Law and special Laws.

i) “Deputy notary” is the person selected to assist the notary and to perform notarial activities in the name and on behalf of the notary in cases of authorization by the notary, in accordance with the provisions of this Law.

j) The term “candidate for notary”, “notary”, “deputy notary” means any person who meets the criteria set out in this Law, regardless of gender.

#### Article 4

#### **The Notary profession**

The notary profession in the Republic of Albania is an independent function of a public nature, at the service of natural and legal persons, which is exercised through the drafting of legal acts and the exercise of other notarial activities, provided for in this Law and in the applicable legislation.

### CHAPTER II

#### ADMISSION TO THE PROFESSION

#### Article 5

#### **Criteria for exercising the profession of notary**

*(letters “b/1” and “ç/1” added by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

The right to be licensed as a notary in the Republic of Albania is granted to any person who meets the following criteria:

a) shall hold the Albanian citizenship;

b) shall have full legal capacity to act;

b/1) shall have professional integrity and reliability;

c) shall not have been convicted by a final court decision:

i) for a criminal offense committed intentionally, for which he/she has not been rehabilitated;

ii) for a criminal offense committed negligently, for which he/she has not been rehabilitated

and which harms the image and integrity of the notary profession;iii) for a criminal offense committed intentionally, for which he/she has been rehabilitated, when the criminal offense harms the image and integrity of the notary profession;

d) shall not have been dismissed from the exercise of a public duty or function, for reasons of ethical integrity, by a decision of the competent authority, which has become final, except in cases where the disciplinary measure has been extinguished according to special legislation;

d/1) shall not be included in the list of persons declared according to the legislation in force on measures against the financing of terrorism.

e) shall have completed the second cycle of university studies in Law, with a “Master of Science” degree, or a diploma equivalent to it, or Law studies abroad, recognized in accordance with the rules for the unification of diplomas according to the applicable legislation;

f) shall have successfully completed the mandatory initial training at the Albanian Notary Training Center;

g) shall have worked full-time for no less than 2 years as a notary candidate attached to a notary;

h) upon completion of the end of the initial training, as defined in the letter “f”, of this article, and of the practical training, as defined in the letter “g”, of this article, shall have successfully passed the notary qualification exam.

## Article 6

### Admission exam for the initial training

*(paragraph 4 has been amended and point 12 has been added by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. The National Chamber of Notaries shall conduct an annual analysis of the need to conduct an admission examination for the initial training, with the aim of guaranteeing, for at least the next three years, a sufficient number of candidates to fill the vacant positions of notaries and deputy notaries.

2. If the analysis establishes the possibility of creating at least 7 vacant positions for the position of deputy notary in the next 3 years, the Minister of Justice, based on the proposal of the Chamber, shall determine by instruction the number of candidates for notaries who will be admitted to the initial training program.

3. The Ministry of Justice shall publish in the Official Announcements Bulletin the call for expressions of interest for the admission exam for the initial training, which shall contain the deadline within which the expression of interest must be submitted, which shall be no less than two weeks from the date of the publication, the documentation to be attached to it, as well as the postal and electronic address for their submission. The call is published for at least two consecutive weeks, from the date of publication of the announcement, on the official website of the National Chamber of Notaries and the Ministry of Justice.

4. The applicant who meets the criteria set out in letters “a”, “b”, “c”, “d”, “d/1”, and “e” of Article 5 of this Law has the right to participate in the admission exam for the initial training.

5. The Training Center administers the expressions of interest of the applicants interested in becoming notaries and forwards them to the Chamber, which informs the Minister of Justice of the expressions of interest submitted.

6. The Training Center organizes the admission exam for initial training, in accordance with the provisions of Article 90 of this Law.

7. The date, time and place of the admission exam for the initial training are determined by the decision of the Council of the Chamber. The decision shall be published at least 3 months prior to the date of the exam, on the official website of the National Chamber of Notaries and the Ministry of Justice.

8. The Qualification Commission prepares the admission exam for the initial training, assesses the knowledge of the applicants in the admission exam for the initial training and ranks them based on the results of the examination. Applicants ranked according to this paragraph who have obtained at least 80% of the exam points, until the number specified in the joint instruction issued according to paragraph 2 of this Article is met, shall be considered to have successfully passed the admission examination for the initial training.

9. The results of the admission examination for the initial training for all applicants are made public within 10 days from the date of the exam, on the official website of the National Chamber of

Notaries, in accordance with the rules provided in the applicable legislation on the protection of personal data.

10. The applicant may take the admission exam for the initial training up to 3 times. The applicant who successfully passes the admission exam for the initial training receives a certificate of successful completion of the admission exam for the initial training.

11. An appeal may be filed against the assessment of the Qualification Commission with the Administrative Court of the Judicial District of Tirana.

12. The Training Center shall notify the Ministry of Justice of the final list of applicants who have successfully passed the admission exam no later than 5 (five) days from the date of issuance of the certificate of successful completion of the admission exam for the initial training.

#### Article 6/1

#### **Verification of integrity and professional reliability**

*(added by Law no. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. The applicant who has successfully passed the admission exam for the initial training, according to the provisions of Article 6 of this Law, shall be subject to verification of integrity and professional reliability.

2. Within one week of the announcement of the final list of the applicants who have successfully passed the admission examination for the initial training, the Minister of Justice shall request data, documents, facts or other means of evidence from the State Police, the Prosecution, the Court, the Tax and Customs Administration authorities, the General Directorate for the Prevention of Money Laundering, the National Bureau of Investigation, the State Intelligence Services, the National Chamber of Notaries, any disciplinary body that has supervised the discipline in the employment relations of the verification subject, as well as any public authority, natural or legal person holding relevant information for the purposes of verification. If necessary, the Minister of Justice shall request additional data from the institutions referred to in this point.

3. Every public institution, natural or legal entity, shall be obliged to submit the data, documents, facts or other means of evidence in its possession, upon the request of the Minister of Justice, no later than 30 (thirty) days from the date of receipt of the request, except in cases where it is expressly prohibited by the special legislation.

4. In any case, the Minister of Justice shall assess, according to his conviction, which facts shall be considered proven, based on the detailed evaluation of the reports submitted by the competent institutions, according to paragraph 3 of this article, as well as on the overall result of the administrative investigation. The administrative procedure for the verification of integrity and professional reliability shall be concluded by the Minister of Justice according to the deadlines set out in the Code of Administrative Procedure.

5. The Minister of Justice shall decide that the applicant shall not undergo the verification of integrity and professional reliability when:

a) the subject of the verification shall have inappropriate contacts with persons involved in organized crime or in the commission of serious criminal offenses;

b) he/she shall have displayed serious, inappropriate, ethical and moral behavior that undermines public trust in the notarial system; or

c) there shall exist any other disqualifying cause, as defined by the applicable legislation.

6. An appeal may be filed with the competent administrative court against the order of the Minister of Justice for not completing the process of verification of integrity and professional reliability within 15 (fifteen) days from the date of notification of the order.

7. The candidate for notary shall also be subject to verification of professional integrity and credibility, according to this article, before entering the notary qualification examination, according to Article 9 of this Law.

## Article 7

**Initial formation**

1. The one-year mandatory initial training shall be organized based on the regulation on the initial training, approved in accordance with Article 90 of this Law.

2. Upon the completion of the one-year mandatory initial training program, the applicant shall undergo the final exam, which shall cover all subjects taught. Applicants who obtain at least 80% of the maximum score in the final exam shall acquire the right to apply for the position of candidate notary at any notarial office.

3. The final exam shall be prepared and assessed by the Evaluation Commission, composed of five members, as follows:

- a) three members selected from among the internal and external lecturers of the Training Centre;
- b) one member from among notaries with 10 years of professional experience as a notary, or holding academic titles or degrees, selected by the Council of the Chamber;
- c) one member selected by the Ministry of Justice.

## Article 8

**Candidates for notary**

*(paragraph 1 amended by Law no. 8/2022, dated January 27<sup>th</sup>, 2022)*

- 1. Any person who meets the conditions set forth in letters “a”, “b”, “b/1”, “c”, “d”, “d/1” and “e” of Article 5 of this Law may become a notary candidate.
- 2. No more than two notary candidates may be engaged with each notary. A notary candidate may not be the spouse or a relative up to the second degree of the notary with whom they are employed.
- 3. The notary shall ensure that all candidates employed by him/her receive appropriate and comprehensive practical training. Under the supervision and guidance of the notary, the candidates shall acquire knowledge and practical skills in all aspects of notarial activity, in the areas of law related to notarial work, and shall become familiar with the ethical and professional rules of the profession.
- 4. The work of the notary candidate shall be evaluated by the responsible notary on an annual basis. The evaluation shall be submitted to the National Chamber of Notaries no later than January 31<sup>st</sup> of each year. The Chamber shall determine more detailed rules regarding the criteria, methodology, and levels of evaluation of the notary candidate.
- 5. The notary shall deposit with the Chamber and the Ministry of Justice a copy of the contract and the required legal documentation for notary candidates, within 15 days from the date of its conclusion with the notary candidate.
- 6. The notary candidate shall be registered in the relevant register of the Ministry of Justice and the National Chamber of Notaries and shall submit the required documentation no later than 30 days from the date of commencement of work as a notary candidate with a notary.
- 7. During the period of practical training with the notary, with whom the contract has been signed, the notary candidate shall be released from any other employment relationship, except for scientific and teaching activities, for the purpose of enhancing his/her professional qualification. The employment relationship between the notary candidate and the notary with whom he/she works shall be on a full-time basis and shall be regulated by the provisions of the Labor Code and the applicable legislation on social security.
- 8. The Minister of Justice, upon the written and reasoned proposal of the National Chamber of Notaries, shall approve more detailed rules regarding the employment of notary candidates.

## Article 9

**Notary qualification examination***(paragraph 1 amended by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. The notary candidate, after successfully completing the mandatory one-year initial training and the two-year practical training as a notary candidate with a notary, shall be entitled to be subject to a notary qualification exam under the provisions contained in letters “a”, “b”, “b/1”, “c”, “d”, “d/1” and “e” of Article 5 of this Law.
2. The notary qualification exam is organized by the Ministry of Justice and is prepared and assessed by the Qualification Commission, in accordance with the rules set out in the regulation approved for this purpose by the Minister of Justice, pursuant to paragraph 6 of Article 91 of this Law.
3. Successful completion of the exam is followed by the issuance of a certificate of passing the qualification exam, which is signed by the Chair of the Qualification Commission. A copy of the certificate shall be deposited with the Ministry of Justice and the National Chamber of Notaries.
4. Candidates who successfully pass the exam are ranked according to the results of the qualification exam and are placed on a waiting list for openings as deputy notaries positions.
5. The waiting list shall be published on the official websites of the National Chamber of Notaries and the Ministry of Justice, in accordance with the applicable data protection legislation.

## Article 10

**Total number of notaries and deputy notaries**

1. The total number of notaries practicing in the territory of the Republic of Albania cannot exceed the number determined by the ratio of 1 notary for every 15,000 resident inhabitants, based on the official data of the most recent general population and housing census.
2. The Minister of Justice, after obtaining the written opinion of the Chamber and without exceeding the total number of notaries provided for in paragraph 1 of this Article, shall determine by order, at least once every five years, the number of notaries for each municipality, where the ratio of notary to resident inhabitants in a municipality may be lower or higher than the national ratio.  
The criteria for determining the ratio for each municipality shall be based on:
  - a) the presence, as a rule, of at least one notary in each municipality, where the necessary notarial services cannot otherwise be ensured in that municipality;
  - b) the minimum volume of notarial work activity;
  - c) regional economic development;
  - ç) territorial characteristics, and means of communication and transportation.
3. The Minister of Justice, after consultation with the National Chamber of Notaries, shall determine:
  - a) the total number of deputy notaries, which cannot exceed one quarter of the total number of active licensed notaries, based on the forecast of possible vacant positions; and
  - b) the number of deputy notary positions for each municipality.
4. Decisions regarding the total number of positions shall not affect the licenses previously granted to notaries and deputy notaries.
5. A licensed notary shall commence activity in the municipality in which he or she has been licensed by the Minister of Justice. Subsequent changes in the administrative-territorial division shall not affect the existing seat of an acting notary.

6. In order to guarantee adequate public access to notarial services, the Minister of Justice, after obtaining the opinion of the Chamber, may order that a notary appointed in a given municipality provide services for up to four days per month in another municipality, within the same judicial district, where no notarial office operates. A notary may be ordered to provide no more than four days of service per month. The provision of the necessary infrastructure for the exercise of activity under this paragraph, and the manner of covering the related expenses, shall be determined by instruction of the Minister of Justice.

#### Article 11

##### **Vacant notary positions and the order of their fulfilment**

1. The filling of a vacant notary position, if necessary, shall be decided by the Minister of Justice. The decision shall be made after obtaining the written opinion of the Chamber, in accordance with the criteria and procedures set forth in Article 10 of this Law.
2. The Minister of Justice may also announce a vacancy for new notary positions, in accordance with the provisions of Article 10 of this Law.
3. Any vacancy created pursuant to paragraphs 1 and 2 of this Article shall be filled in the following order:
  - a) through the transfer of a notary who has requested transfer to that position; and
  - b) through the granting of a notary license to a deputy notary who has expressed interest in the newly vacant position.
4. The Minister of Justice shall announce any vacancy in the Official Bulletin and on the official website of the Ministry no later than 30 days from the date of its announcement. The Chamber shall publish the vacancy on its official website.
5. The Minister of Justice, after receiving the reasoned written opinion of the Chamber, shall determine more detailed rules for the procedures of filling notary vacancies, which shall include provisions regarding the expression of geographical preferences by applicants.

#### Article 12

##### **Filling a vacant notary position through transfer**

1. The transfer of a notary is done only upon his/her own request. A notary may be transferred after having exercised the notarial function for no less than five (5) years within the existing jurisdiction, provided that, at the time of transfer, he/she is not more than sixty-five (65) years of age and is not subject to any disciplinary measure in force.
2. Within thirty (30) days from the date of the announcement of the vacant position, in accordance with Article 11 of this Law, interested notaries shall submit an expression of interest for transfer, specifying the vacant position for which they express interest, to the Minister of Justice and the National Chamber of Notaries.
3. The Minister of Justice, after receiving the reasoned written opinion of the Chamber, shall order the transfer of the notary's practice to another municipality. The Chamber shall submit its written opinion within fifteen (15) days from the expiry of the deadline for the submission of expressions of interest for transfer, as provided in paragraph 2 of this Article.
4. In deciding on the transfer, the Minister of Justice shall take into account:
  - a) whether the interested notary meets the formal criteria provided in paragraph 1 of this Article;
  - b) the professional seniority as a licensed notary, which shall be decisive in cases of equally qualified candidates;
  - c) the history of all disciplinary measures issued against the interested notary.

5. The Minister of Justice shall order the transfer of the notary's activity within thirty (30) days from the expiry of the deadline for the submission of expressions of interest, pursuant to paragraph 2 of this Article.

### Article 13

#### **Filling a vacant notary position through the granting of a license to a deputy notary**

1. A vacant position that cannot be filled through transfer shall instead be filled by granting a license to a deputy notary. The Minister of Justice shall announce the call for the submission of expressions of interest for a vacant position from among the ranks of deputy notaries at the same time as announcing the call for transfers, pursuant to Article 12 of this Law.
2. Deputy notaries who have served for no less than three (3) years as deputy notaries shall be entitled to express interest in vacant positions in any municipality, provided that no disciplinary measures are in force against them. Interested candidates shall submit their expression of interest to the Minister of Justice and to the National Chamber of Notaries within thirty (30) days from the announcement of the vacancy, in accordance with Article 11 of this Law.
3. The Minister of Justice, after consultation with the Chamber, may request the deputy notary with the greatest seniority in the profession who meets the criteria and exercises the function within the territorial jurisdiction of the competent Court of Appeal of ordinary jurisdiction, to apply for a vacancy that has not been filled through the procedures provided in this Article, in cases where no expressions of interest have been submitted for the vacant position.
4. A deputy notary who agrees to express interest in the cases provided for in paragraph 3 of this Article shall be credited with three (3) years of seniority for each year served in the position that could not be filled through the procedures set forth in paragraphs 1 and 2 of this Article. If the deputy notary refuses to express interest, he/she shall be excluded from the right to express interest for a notary vacancy for a period of two (2) years. In such a case, the deputy notary with the next highest seniority in the profession shall be invited to submit an expression of interest, to whom the same rules shall apply.
5. The Minister of Justice, upon receiving the reasoned written opinion of the National Chamber of Notaries, grants the notarial service license to the highest-ranked deputy notary on the basis of the following criteria:
  - a) seniority in the profession as a deputy notary;
  - b) the highest results in the notary qualification exam.In cases of multiple vacancies, candidates' geographical preferences, as submitted, shall be taken into account in line with the rules adopted under Article 11, paragraph 5 of this Law.
6. The Minister of Justice shall take a decision no later than thirty (30) days from the expiry of the deadline for the submission of expressions of interest.
7. A deputy notary may appeal the Minister's decision according to the applicable Administrative Law.
8. If a notary vacancy cannot be filled pursuant to Article 12 and the rules provided in the preceding paragraphs of this Article, the Minister of Justice, after consultation with the Chamber, shall decide to fill the vacancy by applying one of the following options:
  - a) request the notary with the lowest seniority in the profession, who exercises the function within the territorial jurisdiction of the competent court of appeal of ordinary jurisdiction, to accept transfer to the vacant position. In such a case, the notary who accepts the transfer shall be credited, for the purposes of expressing interest for a future transfer to another municipality, with three (3) years of seniority for each year served in that position. This notary may request transfer to another municipality only after having served in that position for no less than three (3) years;

- b) issue an order for the performance of service days, pursuant to paragraph 6 of Article 10 of this Law.
9. The citizen granted a notary license by the Minister of Justice shall begin practicing in the declared vacant position no later than 60 days from the date of the license issuance. If this deadline expires, upon notification by the National Chamber of the Notaries or the applicant, the license to exercise notarial activity is repealed, and the next candidate on the waiting list, ranked under Articles 11 and 12, is appointed. If this second candidate also fails to start within 60 days, a new competition shall be held. The applicant who fails to commence duty despite appointment may be suspended from expressing interest for a period of 1 to 5 years, by decision of the Chamber's Council.

#### Article 14

##### **Creating the deputy notary position**

1. Any notary may submit a request to the National Chamber of Notaries to be assisted by no more than one (1) deputy notary.
2. The General Assembly of the National Chamber of Notaries shall approve the general criteria for the creation of a deputy notary position at the office of an active notary. The criteria shall include the requesting notary's high professional reputation and a minimum annual volume of transactions over the preceding three (3) years sufficient to justify the assistance provided by the deputy notary.
3. The National Chamber of Notaries shall decide on the request of an active notary to be assisted by a deputy notary, ensuring that the total number of deputy notaries determined by the Minister of Justice is not exceeded, as well as the criteria set forth in paragraph 2 of this Article.

#### Article 15

##### **Criteria and procedures for the selection of deputy notaries**

1. When a deputy notary position remains vacant, it shall initially be filled through a transfer call among active deputy notaries, applying, to the extent possible, the criteria and procedures provided in Article 12 of this Law.
2. When the vacant deputy notary position cannot be filled through transfer, the Minister of Justice shall open a call for expressions of interest for this position through an open and transparent procedure from the candidates on the waiting list created under paragraph 4 of Article 9 of this Law.
3. The Minister of Justice shall appoint as deputy notary the candidate ranked highest on the waiting list. In the case of two or more vacancies announced at the same time, candidates shall have the right to choose, according to their ranking on the waiting list, a position from the national list of vacancies.
4. The deputy notary cannot be the spouse or a relative up to the second degree of the notary to whom they are appointed.
5. The deputy notary shall perform duties exclusively at the office of the notary to whom they are appointed, under an employment contract. Within fifteen (15) days from the conclusion of the contract with the notary, the deputy notary shall submit a copy of the contract and the required legal documentation to the National Chamber of Notaries and the Ministry of Justice required for the position of the deputy notary. He has both the right and the duty to perform professional activities, assisting the notary in the exercise of their functions.
6. In cases of closure of the notary's office where the deputy notary exercises his function and the vacancy of the notary is not filled, the deputy notary has the right to be transferred to

another notary who has submitted a request or has given his/her consent. The Minister of Justice, after receiving the opinion of the National Chamber of Notaries, shall approve detailed rules for the transfer of deputy notaries in the circumstances provided for in this paragraph.

#### Article 16

##### **Oath of the notary**

1. Before assuming his duties, the notary shall take the following oath:  
"I swear that I will perform the duties of a notary in accordance with the law, remaining loyal to the Constitution of the Republic of Albania, that I will maintain professional confidentiality, and that in the exercise of my duties I will be guided by the principles of professionalism, impartiality, and respect for human rights."
2. The oath shall be taken before the Minister of Justice and recorded in the official minutes.

#### Article 17

##### **Notaries' register**

*(paragraph 5 added by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. The Ministry of Justice and the National Chamber of Notaries shall each maintain separate registers for notaries, deputy notaries, and notary candidates, and shall manage documentation related to the issuance and revocation of licenses for practicing as a notary and the function of deputy notary, their transfers, fulfillment of legal obligations, and the disciplinary record of notaries, deputy notaries, and notary candidates.
2. The form and content of the registers referred to in paragraph 1 of this Article, the data that may be made public, the methods and procedures for maintaining them, and the elements of documentation included in the files of notaries, deputy notaries, and candidates shall be determined by order of the Minister of Justice, after obtaining the written opinion of the Chamber.
3. In any case, the license to exercise as a notary or deputy notary, together with the relevant data, shall be recorded in the notaries' register maintained by the Ministry of Justice and by the National Chamber of Notaries.
4. Before commencing their activities, in cases of a change of the notarial office location or other data recorded in the Notaries' Register, the notary or deputy notary shall notify in writing form the Ministry of Justice and the Chamber within 15 days from the start of activity at the new address or from the change of facts included in the Notary Register.
5. The responsible structures of the Ministry of Justice shall update and verify the register with the "list of declared persons," in accordance with the legislation in force regarding measures against terrorism financing.

#### Article 18

##### **Temporary suspension of a notary's license at his/her request**

1. The notary shall have the right to request the temporary suspension of his/her license for the following reasons:
  - a) health reasons, verified by credible medical documentation in accordance with applicable legislation;
  - b) care for his/her minor child until the child reaches the age of three;
  - c) election or appointment to a public office.For cases referred to letters "a" and "b" of this paragraph, the suspension period shall range from six months up to three years. In the case of an election or appointment to a public function, the suspension shall last for the duration of the public function.

2. The request for temporary suspension of the license shall be submitted to the Minister of Justice and the Chairperson of the Chamber and must indicate the intended duration of the suspension.
3. The Minister of Justice shall decide on the acceptance or reasoned refusal of the request for temporary suspension of the notary's license, taking into account the opinion of the Chamber. If the suspension request is for a period of up to one year, the Minister of Justice may assign another notary to manage the records of the suspended notary for the entire period of the license suspension. If the suspension request exceeds one year and the Minister of Justice considers that the notarial service needs in the relevant municipality are high and cannot be adequately covered by the assigned notary, the position of the notary is deemed vacant and is immediately filled in accordance with the rules provided in this Law.
4. The Minister of Justice's decision on the temporary suspension of a notary's license shall be published on the official websites of the Ministry of Justice and the Chamber.
5. In cases where the notary's records are managed by another notary under paragraph 3 of this Article, the suspended notary shall return to his/her position upon the expiration of the suspension period. If the position has been declared vacant and filled by another notary, the suspended notary may express interest in another vacant position upon return, having priority for filling a vacant position in the municipality where he/she previously practiced notarial activities.
6. The notary may submit another request for temporary suspension of the license, but not earlier than four years from the date of returning to duty, except in the case provided in letter "a" of paragraph 1 of this Article, or when the suspension is requested for another child, under the provisions of letter "b" of paragraph 1 of this Article.
7. During the suspension period for the reasons provided in paragraph 1, letters "b" and "c," the notary cannot perform other paid work exceeding 10 hours per week.

#### Article 19

#### **Incompatibility with other functions**

The exercise of the notary function is incompatible with any other public or private activity, except for teaching and scientific activities, in accordance with the applicable legislation.

#### Article 20

#### **Notary's office**

1. The notary shall be licensed to practice in a specific municipality. The notary may have only one notary office within the municipality where notarial services are provided. The notary may not draft deeds or perform notarial acts outside this municipality, except in cases provided for by law. The notary may perform services in his/her notary office for property or acts located in another municipality if the parties appear and request to carry out the service at the notary's office. The drafting of deeds and performance of notarial acts by a notary outside the designated territory for the exercise of his/her activity shall not affect their validity.
2. The notary's office must be suitable for fulfilling the notary's functions. The premises where notarial acts are carried out must provide the necessary conditions to ensure privacy and confidentiality of communications. The Minister of Justice, after obtaining the opinion of the National Chamber of Notaries, shall establish detailed criteria for the notary office environment, including the minimum area of the notary's office premises.
- 3.

## Article 21

**Revocation of the license**

*(letters “k” and “l” of paragraph 1 added by Law no. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. The revocation of the license for practicing the profession of notary shall occur upon the order of the Minister of Justice, when the notary:
  - a) voluntarily renounces the practice of the notary profession, upon his/her request;
  - b) reaches the age of 70;
  - c) loses full legal capacity to act;
  - d) is unable to practice notarial activities due to health incapacity lasting more than three years;
  - e) it is established that at the time of obtaining the license, it was acquired in violation of the legal requirements prescribed by the legislation in force;
  - f) has been convicted after obtaining the license by a final court decision:
    - i) for an intentional criminal offense;
    - ii) for a negligent criminal offense that undermines the reputation and integrity of the notary profession;
  - g) has been subject to a disciplinary measure resulting in the revocation of the license to practice, in accordance with Article 26 of this Law;
  - h) fails to perform the notarial activities for a continuous period of up to 60 days without a reasonable cause, documented and notified in writing to the National Chamber of Notaries and the Ministry of Justice;
  - i) has been declared bankrupt by a final court decision;
  - j) fails to pay the mandatory professional insurance contribution;
  - k) is included in the list of declared persons under the legislation in force on measures against the financing of terrorism;
  - l) when a request from the competent authority for the revocation of the notary's license is accepted, in accordance with the legislation in force on the prevention of money laundering and the financing of terrorism.
2. The Minister of Justice or the governing bodies of the Chamber may request, by reasoned decision, an expert report from the Institute of Forensic Medicine to certify the incapacity to practice the notary profession.

## CHAPTER III

## SUPERVISION AND DISCIPLINARY LIABILITY

## Article 22

**Supervision by the Minister of Justice**

The Minister of Justice shall supervise the general activities of notaries in accordance with the rules outlined in this Law.

## Article 23

**Duties of the Minister of Justice in supervising the notaries**

1. Preventive inspections concerning the activities of notaries shall be carried out by the responsible structures of the Ministry of Justice, acting in cooperation with independent experts selected according to the rules provided in Article 24 of this Law.
2. The Minister of Justice is responsible for reviewing complaints against notaries and deputy notaries and for investigating disciplinary violations by notaries and deputy notaries.
3. The Minister of Justice, in cooperation with the National Chamber of Notaries, shall approve the standards and methodology for inspecting the activities of notaries.

## Article 24

**Independent Experts**

1. The Ministry of Justice, in performing preventive inspection functions, may be supported by a team of independent experts. The Minister of Justice determines the number of independent experts, who are appointed for a three-year term, with the right to be reappointed for a second term.
2. Independent experts are appointed by the Minister of Justice upon the proposal of the National Chamber of Notaries. The Chamber proposes at least two candidates for each position as independent experts.
3. Independent experts shall be selected from among notaries, former notaries, or former judges specialized in Civil Law, with no less than eight years of experience as notaries or judges, and who enjoy integrity and a high professional reputation.  
Former judges dismissed from office as a result of the evaluation process, under the applicable legislation for transitional evaluation of judges and prosecutors, cannot be appointed as independent experts.
4. Independent experts chosen from among active notaries shall continue to exercise their notarial activities.
5. Independent experts shall adhere to professional secrecy rules in the performance of their duties.
6. The Minister of Justice, after consulting the Chamber, shall determine the remuneration of independent experts, as well as other rules related to the exercise of their activities.

## Article 25

**Inspection of Notaries**

*(paragraph 9 added by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. The Minister of Justice shall approve an annual program for the inspection of notaries. Each notary office shall be inspected at regular intervals, but not less than once every four years. A newly appointed or transferred notary shall be subject to inspection within two years from the date of appointment or transfer.
2. The Minister of Justice, when deemed necessary, may order special inspections.
3. The Minister of Justice shall carry out regular on-site inspections of all acts, the register of notarial activities, as well as any other documentation related to notarial activities.
4. The inspection shall monitor the notary's activities regarding compliance with the law, professional conduct standards, particularly the implementation of legislation on the prevention of money laundering and the financing of terrorism.
5. In case where the Minister of Justice decides to appoint independent experts pursuant to Article 24 of this Law, the inspection shall be carried out by a team consisting of one inspector from the Ministry of Justice and one independent expert. The Minister of Justice shall determine the composition of the inspection team for each inspection.
6. In case deficiencies are discovered during an on-site inspection or through other sources, the notary shall be informed in writing form and requested to correct the deficiencies within a period of time determined by the Minister of Justice.
7. In case there is a reasonable suspicion that such a deficiency may constitute a disciplinary violation, the Minister of Justice initiates the procedure for investigating the disciplinary offense.
8. In case there is a reasonable suspicion that the violations are related to money laundering or the financing of terrorism, the Minister of Justice shall report the matter to the competent authority, in accordance with applicable legislation on the prevention of money laundering and the financing of terrorism.

9. In case a notary has inappropriate contact with a person involved in organized crime or the commission of serious criminal offenses, the Minister of Justice shall order regular on-site

inspections of all acts, the register of notarial activities, and any other documentation related to notarial activities at least once a year. The notary shall be subject to regular inspections, according to the intervals determined in paragraph 1 of this Article, no later than two years from the date of the last inappropriate contact.

#### Article 26

##### **Disciplinary Violations and Measures against the Notary**

*(The last sentence of paragraph 1 was repealed by the decision of the Constitutional Court No. 32, dated October 27<sup>th</sup>, 2022; words added in paragraph 1 and paragraph 1/1 added by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. The notary shall commit a disciplinary misconduct in the exercise of their function in the following cases:

- a) shall act in violation of legal or sublegal provisions;
- b) shall perform acts or omissions that contravene the Code of Professional Ethics and seriously undermine public confidence in the notarial system;
- c) shall violate the legal obligations of a member of the Chamber as provided in this Law.

1/1. The notary shall commit a disciplinary violation outside the exercise of their function when, in particular but not limited to, they engage in the following acts, omissions, or behaviors:

- a) unlawful use of notary status to gain benefits for oneself or others;
- b) unjust enrichment, directly or indirectly, through gifts, favors, promises, or preferential treatment of any kind given because of the office held or as a result of exploiting the position of the notary, even if formalized through a legal act;
- c) other instances of serious, unethical, or immoral conduct that undermine public trust in the notarial system, committed outside the exercise of duty.

2. For violations of provisions regulating the practice and activities of the notary, the following disciplinary measures shall be imposed:

- a) written warning;
- b) warning with notice of revocation of the notary's license;
- c) a fine ranging from 50,000 to 500,000 ALL;
- d) an order for the notary to undergo additional continuing training, including professional ethics training and/or training in a specific area of notarial practice;
- e) suspension from duty for a period of one to five years;
- f) permanent revocation of the license to practice as a notary.

3. A disciplinary measure imposed on a notary shall be proportionate to the violation and shall be based on the following criteria:

- a) degree of negligence;
- b) frequency of the error;
- c) probability and severity of potential damage resulting from the violation;
- d) any situation beyond the notary's control that can be reasonably explained.

4. The fine may be cumulatively applied with other disciplinary measures provided in letters "a," "b," and "d" of paragraph 2 of this Article.

5. Disciplinary measures provided in letters "a," "b," "c," and "d" of paragraph 2 of this Article shall be imposed by the Minister of Justice. Disciplinary measures provided in letters "e" and "f" of paragraph 2 shall be imposed only by decision of the Disciplinary Board.

6. Disciplinary violations shall be subject to prescription within five years from the date of occurrence of the violation.

## Article 27

**Disciplinary violations and measures regarding the deputy notary**

*(words added in paragraph 1 and paragraph 1/1 added by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. A deputy notary shall commit a disciplinary violation in the exercise of their function when they violate the legal obligations provided in this law and in the applicable legislation.  
1/1. A deputy notary shall commit a disciplinary violation outside the exercise of their function when, in particular but not limited to, they engage in the following acts, omissions, or behaviors:
  - a) unlawful use of the status of deputy notary to obtain benefits for oneself or others;
  - b) unjust enrichment, directly or indirectly, through gifts, favors, promises, or preferential treatment of any kind given because of the office held or as a result of exploiting the position of the deputy notary, even if formalized through a legal act;
  - c) other instances of serious, unethical, or immoral conduct that undermine public trust in the notarial system, committed outside the exercise of duty.
2. For violations of provisions regulating the practice and activities of the deputy notary, the following disciplinary measures shall be imposed:
  - a) written warning;
  - b) warning with notice of revocation of the license to practice as a deputy notary;
  - c) fine ranging from 25,000 to 500,000 ALL;
  - d) temporary suspension of the right to apply for appointment as a notary, up to three years;
  - e) revocation of the license to exercise as a deputy notary.
3. A disciplinary measure imposed on a deputy notary must be proportionate to the violation and shall be based on the following criteria:
  - a) degree of negligence;
  - b) frequency of the error;
  - c) probability and severity of potential damage resulting from the violation;
  - d) any situation beyond the deputy notary's control that can be reasonably explained.
4. Disciplinary measures provided in letters "a," "b," and "c" of paragraph 2 of this Article shall be imposed by the Minister of Justice. Disciplinary measures provided in letters "d" and "e" of paragraph 2 shall be imposed only by decision of the Disciplinary Board.
5. Disciplinary violations shall be subject to prescription within five years from the date of occurrence of the violation.

## Article 28

**Investigation deadlines**

1. The disciplinary investigation shall be conducted within six months of the decision to initiate the investigation. Upon completion of the investigation, the Minister of Justice shall:
  - a) submit the investigation report to the Disciplinary Board;
  - b) impose a disciplinary measure in accordance with Article 26, paragraph 5, and Article 27, paragraph 4, of this Law; or
  - c) decide to close the investigation.
2. The Minister of Justice may extend the investigation deadline provided in paragraph 1 of this Article in complex cases, due to an increase or change in the subject of the investigation, or in cases of illness or incapacity of the notary or deputy notary, in accordance with the provisions of the Code of Administrative Procedure.
3. In cases where, after the expiration of the deadlines provided in paragraphs 1 or 2 of this Article, new evidence emerges, based on which there are reasonable grounds to believe that the violation may have occurred, the Minister of Justice shall reopen the investigation,

provided that the limitation periods have not expired, pursuant to paragraph 6 of Article 26 and paragraph 5 of Article 27.

#### Article 29

##### **Evaluation of complaints**

1. Any natural or legal person, or the Chamber, shall have the right to submit a reasoned written complaint to the Minister of Justice. The Minister of Justice shall decide, within three months of receiving the complaint, whether to archive it or to open an investigation into the alleged violation.
2. In cases where there is credible information that a notary or deputy notary may have committed a disciplinary violation, any public official who is aware of it must inform the Minister of Justice.
3. The Minister of Justice shall be obliged to review all complaints, except for anonymous ones.
4. The Minister of Justice shall confirm receipt of the complaint to the complainant within 30 days. The Minister shall notify the complainant of the decision to archive the complaint, to open the investigation, to extend or change its subject, or to close the investigation, within 15 days from the relevant decision.
5. Complaints shall be submitted in person, by regular mail, or electronically.
6. Withdrawal of the complaint by the complainant shall not result in the complaint being archived if the Minister of Justice considers that the allegation provides sufficient grounds to conduct the investigation ex officio, nor does it close an already initiated investigation.
7. The Minister of Justice shall publish the complaint form on the official website of the Ministry of Justice to facilitate the submission of complaints.

#### Article 30

##### **Initiation of investigations ex officio**

1. The Minister of Justice shall initiate an investigation ex officio based on essential information and reliable facts giving rise to a reasonable suspicion that a violation may have occurred. Information obtained from the media or from anonymous complainants may serve as an indication to start an ex officio investigation.
2. The Minister of Justice shall issue a reasoned decision to initiate the investigation ex officio, specifying the circumstances and verifiable facts.

#### Article 31

##### **Extension or modification of the subject of the investigation**

If, during the investigation, reasonable suspicions arise that another violation may have occurred, the Minister of Justice shall decide to extend or modify the subject of the investigation and notify the complainant, the Chamber, and the notary or deputy notary.

#### Article 32

##### **Suspension of investigations**

1. The Minister of Justice shall decide to suspend a disciplinary investigation when a criminal or judicial proceeding, whether penal, administrative, or civil is underway:
  - a) in which one of the parties is the notary or deputy notary; and
  - b) the alleged violation is related to the same facts that are subject to the decision.
2. The investigation shall be suspended until a final decision is rendered by the competent institution.

3. The complainant, notary, deputy notary, Court, Prosecution, National Chamber of Notaries, and Disciplinary Board shall be notified in writing form of the suspension decision. The Court, Prosecution, or other institutions must send the Minister of Justice, without delay, any decisions issued during the relevant investigation and proceedings.
4. The Minister of Justice shall rely only on facts verified by the final judicial decision. A final judicial decision in favor of the notary or deputy notary shall not prevent the Minister of Justice from investigating to determine the disciplinary responsibility of the notary or deputy notary.
5. The suspension of the investigation shall interrupt the statute of limitations time-limits set out in Article 28 of this Law towards the Minister of Justice.
6. The decision to suspend the investigation shall not be subject to appeal.

#### Article 33

#### **Consolidation of investigative proceedings**

The Minister of Justice shall consolidate proceedings when it is determined that complaints or initiated investigations refer to the same facts or the same notary or deputy notary.

#### Article 34

#### **Rights and obligations of notaries or deputy notaries during the investigation**

1. The notary or deputy notary shall be a party in the proceedings from the moment the investigation begins, and shall be guaranteed access to the investigation file to the extent that it aligns with the subject of the investigation.
2. The Minister of Justice may request from the notary or deputy notary any information, documents, or evidence necessary for the investigation.
3. The Minister of Justice shall notify the notary or deputy notary, or their representative, as well as the National Chamber of Notaries, of the decision to archive the complaint, to initiate the investigation, to add or modify its object, or to close the investigation.

#### Article 35

#### **Progress of investigations**

1. The object of the investigation shall clearly indicate the elements of the alleged violation, according to the provisions of the decision to initiate the investigation, in accordance with this Law.
2. The Minister of Justice shall summon witnesses, collect data, documents, and evidence from Courts, Prosecution, other state institutions, organizations, witnesses, and/or from the notary or deputy notary, and shall undertake necessary actions to investigate and determine whether the alleged violation has occurred.

#### Article 36

#### **Requirements relating to conducting interviews**

1. The Minister of Justice, when assessing that questioning the notary or deputy notary, witnesses, or other persons is important for the investigation, shall notify them of the time and place of the questioning session.
2. The Minister of Justice shall ensure that the questioning session is documented in accordance with the rules provided in this article.

3. Audio recording of the questioning session shall be summarized in the minutes, and may be transcribed upon request of the parties. The notary or deputy notary shall sign the minutes of the questioning, as well as the transcript of the audio recording, if made possible.
4. The audio recording, its transcript if possible, and the minutes of the questioning session shall become part of the case file.

#### Article 37

##### **Requests regarding collection of evidence from other institutions**

1. Any public authority, natural or legal entity shall timely comply with requests from the Minister of Justice to provide information, documents, or other evidence related to the investigation, within reasonable deadlines set by the Minister of Justice at his request, except in cases where their disclosure is restricted by Law.
2. The Minister of Justice shall repeat the request if the person or entity to whom it is addressed does not comply within the specified deadline, and in case of the legal entity, shall also inform its director. In cases where the person or entity to whom this request is addressed does not comply with the repeated request within the specified deadline, the Minister of Justice shall notify the responsible disciplinary authority.
3. If, during the disciplinary investigation of a notary or deputy notary, there is a substantial and specific need to obtain documents or information protected under data protection legislation, the Minister of Justice may request the competent first instance court of general jurisdiction to issue an order for the release of the requested information concerning the notary or deputy notary. The court's decision shall be issued by a single judge in chambers within 15 days from the submission of the request.
4. The request must indicate the existence of reasonable suspicion that the notary or deputy notary committed the violation, and that the requested information is essential to determine whether the violation has occurred.

#### Article 38

##### **Investigation documentation**

1. The Minister of Justice shall document every investigative action in an official record (minutes). The minutes must include:
  - a) the name and last name of the responsible person carrying out the action;
  - b) the date on which the action was carried out;
  - c) the subject and object of the action;
  - d) the participants;
  - e) the detailed description of the action performed;
  - f) the signature of the responsible person and of the individuals participating in the actions, at the bottom of each page.
2. Upon completion of the investigation, the responsible structure within the Ministry of Justice shall prepare an investigation report, which shall include at least the following:
  - a) the names and last names of the report's authors;
  - b) the grounds for initiating the investigation, the subject and object of the investigation, as defined in the decision to initiate the investigation, including any modifications or additions to its scope;
  - c) the actions undertaken during the investigation;
  - d) the summary of the statements made by the notary or deputy notary in question, and by other individuals or institutions;
  - e) the presentation of the facts admitted and disputed, as well as the evidence gathered, including an assessment of their credibility and evidentiary value;
  - f) the legal analysis of the admitted facts supporting the conclusion that the alleged disciplinary

violation has occurred, or that the investigation should be closed;  
g) the proposal for closing the investigation, initiating disciplinary proceedings, or imposing the disciplinary measure.

#### Article 39

##### **Closure of the investigation**

1. The Minister of Justice shall close the investigation if it is proven that the allegations are unfounded or if the collected evidence and investigation results lead to the conclusion that:
  - a) The evidence is insufficient to prove the commission of the disciplinary violation;
  - b) After initiating the investigation, it is found that the matter was the subject of a previous investigation that was closed, or for which a final decision was issued in the context of disciplinary proceedings, except in cases when new facts or evidence are presented;
  - c) The matter was time-barred at the start of the investigation due to the expiration of deadlines;
  - d) The notary or deputy notary ceases to hold the status, based on the criteria set out in letters “b,” “c,” “d” of Article 21, paragraph 1 of this Law, or permanently does not exercise their function, according to Article 21 of this Law;
  - e) The notary or deputy notary has passed away.
2. The Minister of Justice shall notify the decision to the concerned notary or deputy notary, or their representative, the complainant, and the Chamber. The decision includes the reasons for closing the investigation, in accordance with paragraph 1 of this Article.
3. In cases where the notary or deputy notary has retired, the Minister of Justice shall prepare a final report summarizing the allegations of disciplinary violation, collected evidence, and conclusions. The report shall close the investigative process and shall be communicated to the relevant parties.

#### Article 40

##### **Submission of the Minister of Justice’s report**

If, during the disciplinary proceedings, the Minister of Justice receives information indicating reasonable suspicion that another violation may have occurred, then:

- a) The Minister shall request the Disciplinary Board to suspend the disciplinary proceedings, shall decide on adding to or changing the object of the investigation, shall conduct the necessary investigation, and shall submit the report of the subsequent investigation within one month from the suspension of the proceedings; or
- b) The Minister shall request the Disciplinary Board to add to or change the object of the investigation if no further investigation is deemed necessary.

#### Article 41

##### **Initiation of disciplinary proceedings**

If there is reasonable suspicion that a notary or deputy notary has committed a disciplinary violation, the Minister of Justice shall initiate disciplinary proceedings by submitting to the Disciplinary Board the investigation report along with the investigative file.

Exceptionally, in cases provided for in Article 26, paragraph 5, and Article 27, paragraph 4 of this Law, the Minister of Justice shall decide independently whether a violation has occurred and shall impose the corresponding disciplinary measure.

## Article 42

**The Disciplinary Board**

1. The Disciplinary Board shall consist of 5 members with high integrity and professional reputation, as follows:
  - a) 2 members shall be appointed by the Minister of Justice;
  - b) 2 members shall be appointed by the General Assembly of the Chamber, from among notaries;
  - c) 1 member shall be appointed by the Pedagogical Council of the School of Magistrates, from among academic staff specializing in Civil Law.
2. Candidates selected under paragraph 1 of this Article, must meet the following requirements:
  - a) shall hold Albanian citizenship;
  - b) shall have completed a second-cycle university degree in Law, or an equivalent diploma;
  - c) shall have no less than 15 years of professional experience as a lawyer;
  - d) shall not have been dismissed from duty for disciplinary reasons, and shall not have any disciplinary measures in force;
  - e) shall not have been convicted by a final Court decision for committing a criminal offense;
  - f) shall not have been members, collaborators, or beneficiaries of the former State Security, as defined by current legislation on access to the documents of the former State Security of the People's Socialist Republic of Albania;
  - g) At the time of candidacy, must not have any family members or first-degree relatives serving as notaries.
3. In the selection of the members of the Disciplinary Board, preference shall be given to candidates holding an academic degree or title, or with proven scientific and/or professional experience in Civil Law matters.
4. Detailed rules regarding the submission and processing of expressions of interest, as well as verification of legal criteria, are determined by an order of the Minister of Justice following the Chamber's opinion.
5. The mandate of the Disciplinary Board members shall be five (5) years, without the right to immediate reappointment.
6. The members of the Disciplinary Board shall elect, by absolute majority, the Chairperson of the Board at its first meeting, in the presence of all members.
7. The members of the Notaries' Disciplinary Board must not be members of the Audit Board or other governing bodies of the National Chamber of Notaries.
8. The members of the Disciplinary Board must be independent and impartial in their decision-making.
9. The members of the Disciplinary Board must recuse themselves from reviewing cases when they have a conflict of interest or when there are doubts regarding their impartiality, in accordance with the provisions of the Code of Administrative Procedures.
10. The Disciplinary Board shall apply, as far as possible, the rules of the Code of Administrative Procedures when this Law does not provide specific provisions.
11. The meeting of the Disciplinary Board shall be valid when more than half of its members are present. Decisions of the Board shall be approved by a majority of all members. Unless otherwise provided by this Law, the Board's activities shall follow, to the extent applicable, the provisions of the Law governing the functioning of collegial bodies of state administration and public entities.
12. The Disciplinary Board is an *ad hoc* body and is administratively supported by the National Chamber of Notaries.
13. The Minister of Justice, upon the Chamber's proposal, shall approve more detailed rules regarding the compensation scheme and the functioning of the Disciplinary Board.

## Article 43

**Procedure before the Disciplinary Board**

1. The Disciplinary Board:
  - a) shall set the date of the hearing, which must be no later than 15 days from the date the file is received from the Minister of Justice; and
  - b) shall notify the parties of the hearing at least 10 days in advance.
2. The deadline provided in letter “a” of paragraph 1 of this Article may be extended up to 45 days if the Disciplinary Board is convinced that there are important reasons justifying the postponement.
3. The Disciplinary Board must take into consideration all circumstances related to the case.
4. The Disciplinary Board may:
  - a) obtain additional evidence, including summoning witnesses; and
  - b) engage experts, when it deems appropriate.
5. If the additional evidence cannot be obtained, the Disciplinary Board may request the Minister of Justice to carry out further investigations, specifying the missing elements and the time period for which the investigation is required.

## Article 44

**Closure of the disciplinary procedure without a hearing**

1. The Disciplinary Board shall decide to close the disciplinary procedure without holding a hearing if:
  - a) The disciplinary violation is time-barred at the start of the investigation, in accordance with Articles 26 and 27 of this Law;
  - b) Following the initiation of the procedure, it is determined that the case was the subject of a previous procedure;
  - c) There are other reasons to close the procedure, in accordance with Article 39, paragraph 1, letters “d” and “e” of this Law.
2. Resignation from the profession by the notary or deputy notary shall not prevent the initiation or continuation of the disciplinary procedure.
3. The Disciplinary Board shall close the disciplinary procedure, in accordance with paragraph 1 of this Article, by a reasoned written decision. The Disciplinary Board shall notify the parties of the reasons for the closure of the procedure.

## Article 45

**Consolidation of disciplinary proceedings**

The Disciplinary Board, when it determines that disciplinary proceedings relate to the same facts and the same notary or deputy notary, may decide to consolidate the proceedings.

## Article 46

**Rights and obligations of the parties during disciplinary proceedings**

1. During the disciplinary procedure, the notary or deputy notary, or their representative, shall have access to the file to the extent that it does not prejudice:
  - a) the legal interests of the parties or third persons;
  - b) the functions of the decision-making body;
  - c) the purpose of the procedure.
2. When a notary or deputy notary is notified that disciplinary proceedings have been initiated against them, they must be informed of their rights:

- a) to submit a written statement within the specified deadline;
  - b) to participate in the hearing;
  - c) to summon witnesses who can testify to facts relevant to the case;
  - d) to submit documents;
  - e) to take other measures to present evidence in support of their defense;
  - f) to be represented in accordance with the provisions of the Code of Administrative Procedure.
3. The Disciplinary Board may request that the notary or deputy notary shall submit information, documents, or any type of evidence, as well as participate in the hearing.
  4. The parties shall have the right to be notified of any decision of the Disciplinary Board within 5 days of its issuance.

#### Article 47

##### **Disciplinary Hearing**

*(paragraphs 3 and 4 added by Law No. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. The hearing for disciplinary proceedings shall be public.
2. The Disciplinary Board, on its own initiative or at the request of the parties, may decide to hold the hearing behind closed doors in cases where:
  - a) publicity of the hearing may harm public morality or disclose classified information affecting national security, as required by competent authorities;
  - b) it is necessary to protect the right to privacy, trade secrets, or personal data of the notary, deputy notary, or any other person;
  - c) actions by the public disrupt the normal conduct of the hearing.
3. During the hearing before the Disciplinary Board:
  - a) the Minister of Justice or their representative shall present the arguments that the disciplinary violation has occurred and shall propose the disciplinary measure to be taken;
  - b) the notary or deputy notary, or their representative, shall present the defense arguments.
4. Written submissions shall not be repeated during the hearing.

#### Article 48

##### **Postponement of the hearing**

The Disciplinary Board may postpone the hearing for a period not exceeding one month when it considers it necessary to obtain additional evidence.

#### Article 49

##### **Amendment or Extension of the Subject of the Disciplinary Proceedings**

The Disciplinary Board, when it considers that the case cannot be fairly and properly resolved without reviewing one or more additional claims of disciplinary violations against the same notary or deputy notary, shall be entitled to:

- a) decide on the amended or additional allegations if no further investigation is necessary, after hearing the parties in the proceeding; or
- b) without suspending the disciplinary proceeding, request the Minister of Justice to amend or extend the object of the disciplinary proceeding, in accordance with this Law, and to investigate these additional claims at least within a one-month period.

## Article 50

**Suspension of the disciplinary proceeding**

The provisions of Article 32 of this Law shall apply, as far as possible, to the suspension of the disciplinary proceeding.

## Article 51

**Decisions of the disciplinary board on disciplinary matters**

1. The Disciplinary Board makes decisions regarding:
  - a) the engagement of experts and determination of their tasks;
  - b) the postponement of hearings;
  - c) the admissibility of evidence;
  - d) the resolution of the case; and
  - e) any other matter that the Disciplinary Board considers necessary or appropriate in handling the case.
2. After examining all facts and evidence, the Disciplinary Board shall decide:
  - a) to dismiss the request for disciplinary proceedings because the alleged facts did not occur or do not constitute a disciplinary violation; or
  - b) to accept the request, impose one or more disciplinary measures, and notify the Minister of Justice of the decision to issue the corresponding order.
3. The Disciplinary Board shall review the disciplinary measure proposed by the Minister of Justice and issue a reasoned written decision within two weeks from the conclusion of the hearing.

## Article 52

**The Right to appeal disciplinary measures**

1. The Minister of Justice, the notary, or the deputy notary has the right to appeal any decision of the Disciplinary Board regarding a disciplinary violation, pursuant to paragraph 2 of Article 51 of this Law, in the competent administrative court.
2. An appeal against the decision of the Disciplinary Board does not suspend the implementation of the contested decision until the court issues a ruling on the appeal.

## Article 53

**Enforcement of the final decisions**

1. The Ministry of Justice shall take all necessary measures to implement disciplinary measures and shall be responsible for supervising the enforcement of all measures imposed in disciplinary proceedings.
2. The Ministry of Justice shall ensure the implementation of disciplinary measures:
  - a) within one month in the case of a written warning, a warning with notice for license revocation, or a fine;
  - b) within two weeks in all other cases, issuing the relevant order in accordance with the decision of the Disciplinary Board.

## Article 54

**Publication of disciplinary decisions**

1. The National Chamber of Notaries shall publish an extract of each final decision on disciplinary matters, specifying the circumstances and facts, as well as the type of disciplinary violation committed according to these facts.
2. The publication of the final decisions of the Disciplinary Board must protect personal data and ensure confidentiality. In any case, no information shall be published that could reveal the identity of the notary, deputy notary, or the parties involved.

## Article 55

**Registration of disciplinary measures**

1. The Ministry of Justice and the National Chamber of Notaries shall record in the register of notaries and deputy notaries all final decisions regarding disciplinary measures.
2. These measures shall be removed and deleted from the disciplinary register when:
  - a) one year has passed since the imposition of a written warning;
  - b) two years have passed since the payment of a fine;
  - c) three years have passed since the imposition of a temporary suspension of notarial activity or temporary suspension of the deputy notary's right to request appointment as a notary or transfer as a notary to another municipality.
3. The disciplinary measure of license revocation or removal of the deputy notary title shall not be removed and deleted from the register.

**CHAPTER IV  
SUSPENSION**

## Article 56

**Suspension from duty**

*(letters "d" and "e" added by Law no. 8/2022, dated January 27<sup>th</sup>, 2022)*

The notary or deputy notary shall be temporarily suspended from duty by decision of the Disciplinary Board when:

- a) a personal security measure of "imprisonment" or "house arrest" is imposed for the commission of a criminal offense, for the entire duration of the imprisonment or house arrest;
- b) there is reasonable suspicion that the license was obtained in violation of the applicable legal conditions at the time of licensing;
- c) the annual membership fee, as well as mandatory continuous training fees, are not paid by the start of the following financial year;
- d) continuing the exercise of duties by the notary or deputy notary would hinder the proper or fair conclusion of the investigation or disciplinary proceeding, or would damage the reputation and integrity of the notarial profession;
- e) the notary or deputy notary is charged as a defendant for a serious intentional crime or for an offense that undermines the reputation and integrity of the notarial profession.

## Article 57

**Initiation of the suspension procedure**

Suspension from duty of a notary or deputy notary under Article 56 of this Law may be decided by the Disciplinary Board:

- a) on its own initiative;

b) at the request of the Minister of Justice or based on a notification, as provided in Article 58 of this Law.

#### Article 58

##### **Notifications to the disciplinary board**

1. The head of the responsible institution shall immediately notify the Disciplinary Board upon becoming aware of the facts listed in Article 56 of this Law.
2. The competent authorities shall immediately notify the Disciplinary Board when:
  - a) the notary or deputy notary is under imprisonment or house arrest;
  - b) a criminal investigation is initiated against the notary or deputy notary;
  - c) the notary or deputy notary is charged as a defendant for a criminal offense.

#### Article 59

##### **Suspension Decisions and Appeals**

*(legal references added in paragraph 1 by Law no. 8/2022, dated January 27<sup>th</sup>, 2022)*

1. The decision on suspension from duty, pursuant to Article 56, letters “a”, “d”, and “e”, shall be made by the Disciplinary Board immediately upon submission of the request or receipt of information. In the cases of suspension under letters “b” and “c” of Article 56, the decision shall be made within 15 days.
2. The notary or deputy notary shall have the right to appeal the decision on suspension from duty to the competent administrative court.
3. Filing an appeal shall not suspend the decision on suspension from duty of the notary or deputy notary.

#### Article 60

##### **Duration limits of the suspension**

1. The suspension, under Article 56 of this Law, shall last as long as the reasons for which it was ordered, continue to exist.
2. The Disciplinary Board may review the suspension under Article 56 of this Law and decide, as appropriate, to:
  - a) change the duration of the suspension;
  - b) revoke the suspension;
  - c) uphold the suspension.
3. The suspension shall end upon the notary’s return to duty. If the suspension under Article 56 of this Law exceeds three months and there is a risk of insufficient notarial service, the Chamber shall decide that the office of the suspended notary be administered in accordance with Article 61 of this Law, or request that the municipality where the suspended notary’s office is located, be covered with days of service, according to Article 10, paragraph 6, of this Law.

#### Article 61

##### **The Notary’s office during suspension**

The Minister of Justice may order that the notary’s office be administered by the deputy notary or another notary during the period of suspension. The person administering the office shall assume all professional rights and duties of the suspended notary, regarding the archive and the issuance of testamentary inheritance certificates.

CHAPTER V  
COMPETENCES, RIGHTS, RESPONSIBILITIES, AND DUTIES

Article 62

**Competences of the Notary**

1. In addition to the competences provided by specific Laws, the notary shall draft acts, perform certifications, validations, and verifications in all matters, including, but not limited to:
  - a) drafting wills;
  - b) drafting acts for the full or partial revocation of wills;
  - c) drafting the minutes for the opening of wills;
  - d) accepting holographic or special wills for safekeeping;
  - e) issuing certificates of legal/testamentary inheritance;
  - f) drafting notarial acts, projects for other legal actions and documents, providing copies of documents or their extracts;
  - g) making notarial notifications within the country and abroad;
  - h) legalizing signatures of citizens on various documents;
  - i) drafting protests of bills of exchange and certifying non-payment of checks;
  - j) certifying the date of submission of documents at the notary's office;
  - k) certifying the identity of a person and their presence at a specific location;
  - l) accepting documents from individuals or legal entities for safekeeping at the notary's office;
  - m) certifying that copies or abridged versions of documents are identical to the original submitted by interested parties;
  - n) performing or certifying translations from one language to another, either personally or through a licensed translator accepted by the parties or requester;
  - o) drafting minutes, taking inventories of objects, documents, postal or electronic correspondence, electronic communications, digitally sealed electronic documents, portals, application communications, and other published documents, describing the condition of items and circumstances observed during the drafting of the minutes, and, in the case of correspondence, describing the sender's and recipient's details as requested by citizens;
  - I) compiling and actively participating in drafting acts of commercial companies;
  - II) drafting notarial acts, powers of attorney, contracts, agreements, declarations, and other documents requested by interested parties, as well as other acts and actions that, by Law, fall within the notary's substantive competence;
  - p) accepting for safekeeping monetary values, bonds, securities, or other valuable items for the parties or delivery to a third party in the case of a legitimate security interest for the parties;
  - q) providing legal advice on various matters in the field of notarial activity;
  - r) requesting from individuals or legal entities the data and documents necessary for performing notarial acts and actions;
  - s) refusing to perform acts or notarial actions if the documentation submitted by the requesting party is incomplete; if their object or content is contrary to the Law and general principles of Law; or in other cases where the notary reasonably believes that the requested notarial act or action is fictitious.
2. The notary shall advise the parties on all legal matters related to notarial acts or actions, particularly, but not limited to, the drafting of contracts and agreements of all kinds and assistance in processing transactions.

Article 63  
**Duties of the Notary**

1. In addition to other duties provided by this Law and specific Laws, the notary shall perform the following duties:
  - a) advise natural and legal entities, when the latter carry out notarial actions aimed at exercising their rights and protecting their legitimate interests, the rights and obligations arising therefrom, and warn them of the legal consequences of performing notarial actions, in order to prevent harm to their interests due to lack of legal knowledge;
  - b) drafts notarial acts clearly and accurately, in accordance with the rules provided by the Law and the regulations adopted by the Chamber;
  - c) during the drafting of an act or the performance of a notarial action, informs the parties of the legal requirements applicable to the specific case and, within his limits, safeguards the interests of the parties and those of third parties;
  - d) explains to the parties or their representatives holding a power of attorney, regarding the drafting of acts or the performance of the notarial actions;
  - e) reviews requests submitted by the parties for information regarding acts drafted by him;
  - dh) records in the notarial act the stamp duty;
  - f) performs his duties impartially, based on the Law and the notarial oath;
  - g) keeps confidential the information obtained in the course of his activities that constitutes professional secrecy;
  - h) provides information on the content of acts to the persons on whose behalf the acts were performed, to their representatives holding a power of attorney, to their heirs, as well as to persons who acquire rights or are relieved of obligations from the notarial act;
  - i) does not allow inspection of the contents of wills, nor the issuance of copies or excerpts thereof before the death of the testamentary heir, except in cases requested by the heir himself or his representative holding a power of attorney;
  - j) refuses to perform notarial actions in cases prohibited by the legislation in force;
  - k) records in the relevant act the obligations of the parties toward various tax authorities/institutions;
  - l) continuously improves professional qualifications by participating in continuing education programs and other training activities, for at least 5 days per year, organized by the Albanian Notaries Training Center or other entities;
  - m) specifies in notarial acts involving transactions and issuance of inheritance certificates, the parties' obligation to register them with state/public or private institutions within the legal deadline, in order to publicize the legal fact and avoid penalties;
  - n) submits instruments for registration, meeting all necessary formal requirements, or takes prescribed actions with the institution responsible for the electronic registry of immovable property where the property is recorded, within the statutory deadline;
  - l) settles the payments set annually by the Chamber Council, with approval by the General Assembly, within the first three calendar months of the year to which the contribution refers;
  - ll) records notarial acts and actions electronically through the system established by the Chamber;
  - o) ensures the notarial office remains open according to the rules adopted for this purpose;
  - p) complies with obligations under the Labor Code and applicable social security legislation, in relation to candidates for notary and other persons employed in his office.
2. If, for justified reasons, the notary shall be absent from the office for more than 5 calendar days, he shall authorize his deputy notary to carry out notarial activities in accordance with the provisions of this Law.

3. In other cases, when the notary has no deputy and is absent for more than 10 days, he shall notify the Chamber in writing form and shall obtain confirmation of the notification.

#### Article 64

#### **Professional Liability**

When a notary carries out his activities in violation of the Law, he shall be liable to the parties for any damage caused.

#### Article 65

#### **Notary Insurance**

1. Before commencing the exercise of his functions, the notary must enter into a professional liability insurance contract with a domestic or foreign insurance company operating in the territory of the Republic of Albania, either individually or based on a collective contract concluded between the National Chamber of Notaries and the insurance company, covering all damages that he may cause to clients or third parties in the course of performing his duties.
2. The Chamber shall contract, select, and conclude the collective notary insurance agreement, in which the Chamber and the respective insurance company shall be parties. By decision of the General Assembly, this collective insurance may be made mandatory for all notaries.
3. The respective insurance premium for the collective insurance shall be paid by each notary into the Chamber's account, which subsequently shall transfer the corresponding obligation to the insurance company according to the signed agreement.
4. The terms and deadlines of the collective insurance shall be jointly determined by the insurance company and the Chamber, in accordance with the legislation in force.
5. The individual or collective insurance policy must also cover damages caused by the notary's employees, including the deputy notary.
6. The minimum coverage amounts for a single insured event, as well as the minimum total amount of insurance compensation payable during the insurance year for one or more events, shall be determined by order of the Minister of Justice, after obtaining the written opinion of the Chamber.

#### Article 66

#### **Rights and Duties of the Deputy Notary**

1. The deputy notary shall assist the notary and carry out legal activities in accordance with the provisions of the contract concluded between him and the notary, in compliance with this Law. The deputy notary shall have the same rights and obligations as the notary and perform the duties of the notary in his place. The notary and his/her deputy do not prepare notarial acts and/or perform notarial acts at the same time.
2. For any service provided to third parties, the deputy notary shall assist the notary in drafting notarial acts as well as in providing legal consultations for the client. The deputy notary shall carry out his legal activities on behalf of the notary.
3. The deputy notary shall have the right to sign notarial acts or other notarial actions, as specified in a special authorization act. The authorization must include the protocol number, date, signature of the notary, and specify the time period during which the deputy notary exercises his functions. During this period, the represented notary cannot act in his capacity as a notary. The local branch of the Chamber as well as the National Chamber of Notaries, shall be notified of this authorization.
4. In the absence of the notary, the deputy notary shall draft the notarial acts, specifying his presence in the notary's office. The deputy notary shall indicate that the notarial act was

drafted by him, clearly expressing his authorization to perform the relevant act. The deputy notary shall be obliged to read and explain the notarial act to the parties as the notary would have done and sign the notarial act in his own name.

5. The deputy notary shall, in all cases, use the seals and the notarial register of the notary.
6. The deputy notary may be employed by the Chamber as a manager or assistant to the President and/or the Council of the Chamber, after having worked in the notary's office as a deputy notary for not less than one year. In this case, the time of his employment with the Chamber shall be counted towards his professional experience when he expresses interest in a vacant position as a notary, in accordance with Article 13 of this Law.

#### Article 67

##### **Notarial archive**

1. In the event of the temporary or permanent closure of the notary office, the archive of the outgoing notary shall be taken over by the notary filling the vacant position.
2. If a vacant position remains unfilled, the relevant local branch of the Chamber shall select another notary in that municipality to assume responsibility for the archive, based on a lottery selection. The local branch may select a notary proposed by the outgoing notary. In any case, the selected notary is obliged to take over the archive.
3. The Chamber shall establish more detailed rules regarding the handover of notarial archives.
4. The Chamber may create and manage a central electronic archive of documents for all notaries for the period prior to the establishment of its operational system. The rules for the creation, management, and access to the electronic archive shall be determined by order of the Minister of Justice, after obtaining the opinion of the National Chamber of Notaries.

#### Article 68

##### **The Notary's Current Account**

1. In order to exercise their activity, a notary must have special accounts in second-tier banks in the territory of the Republic of Albania.
2. The notary shall not make withdrawals from the special accounts used for client-related acts, but only executes transfers related to the performed notarial acts.
3. The notary cannot conduct financial transactions in cash for amounts exceeding 150,000 ALL for notarial activities.
4. The rules regarding the handling of the notary's financial transactions, as well as the handling of client or third-party funds, are determined by instruction of the Minister of Justice after consultation with the Chamber. The instruction shall be published in the Official Bulletin and on the official websites of the Ministry of Justice and the Chamber.
5. If the notary is suspended from duty, passes away, is arrested, or is subject to a security measure that prevents the exercise of duty, the Chamber shall appoint, by reasoned decision, a substitute notary to execute pending sales contracts, so that the funds deposited in the notary's account may be disbursed after the procedures are completed in accordance with the Law.

#### Article 69

##### **Notarial Seals**

1. The notary shall possess two seals, a wet seal and a dry seal, which include: the first name, the initial of the father's name, surname, and the location of the notary's office. A notarial act or action that does not contain both types of seals shall not be invalid.

2. The seals and the specimen of the notary's signature shall be deposited with the Ministry of Justice.
3. The Chamber shall provide a seal to the deputy notary or to a transferred notary for the vacant position. The costs for preparing the seals shall be covered by the notary.
4. The form, content, and other characteristics of the seals, as well as the rules for their provision and management, shall be determined by order of the Minister of Justice, after receiving the written opinion of the Chamber.

#### Article 70

##### **Notarial activity outside the Notarial office**

1. The notary shall perform his functions at any time, especially for urgent notarial acts, and shall respond to the requests of citizens at any location within the jurisdiction of his notary office.
2. When the notary, for justified reasons, performs legal activities outside the notary's office or outside the territory of the Republic of Albania, he shall specify in the act the location where the activity is performed, as well as the reason for conducting the activity outside the notary's office.

#### Article 71

##### **Lists of specific subjects**

Each notary office shall be provided by the Chamber with a list containing the identity of persons whose legal capacity to act has been removed by a final Court decision, who have been declared bankrupt, who are prohibited from holding certain public offices, as well as those designated as financiers of terrorism. The Courts shall send the relevant notifications to the Chamber.

#### Article 72

##### **Delivery of Notarial Registers and Seals**

1. In cases where a notary has passed away or has been subject to a disciplinary measure under letters "e" and "f" of paragraph 2, Article 26 of this Law, the person authorized by the Minister of Justice and the relevant local branch of the Chamber shall take over the registers and notarial acts from the notary's archive by official protocol and deliver them for safekeeping to a notary in the same municipality.
2. The seals of a notary who has been subject to a disciplinary measure under letter "d" of paragraph 2, Article 26 of this Law, shall be held by the Ministry of Justice and returned to the notary by order of the Minister of Justice after the disciplinary measure has been fulfilled.
3. The seals of a notary who has passed away, or of a notary who has been subjected to the disciplinary measure of license revocation, shall be withdrawn from use by official protocol by the persons authorized by the Minister of Justice, the relevant local branch of the notary service, and the Chamber.
4. In case of noncompliance, the order of the Minister of Justice for the handover of the notary's archival notarial acts, registers, and seals, as mentioned in this Article, constitutes an enforceable executive title.
5. Detailed rules for the handover of notarial acts, registers, and seals shall be determined by the order of the Minister of Justice.

## Article 73

**Confidentiality obligations**

The notary shall be obliged to maintain confidentiality. This obligation applies to any information of which the notary becomes aware in the course of performing his duties.

## CHAPTER VI

## FINANCING OF NOTARIAL ACTIVITIES

## Article 74

**Fees for Notarial Acts and Procedures**

1. For the performance of notarial acts and procedures, the corresponding fee shall be paid as determined by a joint instruction of the Minister of Justice and the Minister of Finance, after obtaining the prior opinion of the National Chamber of Notaries.
2. The fee shall be displayed in every notary's office and applied concretely to each act and notarial action, being recorded in the notary's register.
3. Payment of the notarial fees as reflected in the tax invoice constitutes an enforceable title.

## Article 75

**Employment contract and income of the Deputy Notary**

1. The deputy notary shall be employed by the notary after being appointed by the Minister of Justice.
2. The deputy notary's monetary income shall be provided by the notary with whom they carry out notarial activities. The salary and other remuneration of the deputy notary shall be determined in the employment contract concluded in advance between them, which may be fixed or variable based on workload or other provisions specified by the parties. The deputy notary's salary shall not be lower than 150% of the national minimum monthly wage in force under current legislation.
3. The purpose of the deputy notary's work with a notary is to acquire the necessary knowledge, skills, and experience to practice as an independent notary. The employment contract of the deputy notary cannot be terminated by the notary without reasonable cause. The Chamber may facilitate the resolution of conflicts arising between a notary and a deputy notary.
4. The Minister of Justice, after consulting the Chamber, shall approve further rules regarding the general conditions of the deputy notary's status and, in particular, shall approve mandatory contractual conditions for the deputy notary's employment contract.

## Article 76

**Exemption from Notarial Expenses**

The National Chamber of Notaries, with the approval of the Minister of Justice, shall adopt rules for reducing notarial fees for persons entitled to legal aid, in accordance with applicable legislation and only in cases of necessity.

CHAPTER VII  
ORGANIZATION AND FUNCTIONING OF THE NATIONAL CHAMBER OF NOTARIES

Article 77

**The National Chamber of Notaries**

1. The National Chamber of Notaries shall be a legal entity with its headquarters in Tirana. The Chamber shall be a professional organization that gathers and organizes all notaries in the Republic of Albania. Every notary shall be mandatorily a member of the National Chamber of Notaries.
2. The Chamber shall be organized into local branches that perform activities in coordination with the Chamber. The local branches of the Chamber shall not have legal personality.
3. The Chamber shall provide its budget from membership fees collected from each notary, as well as from other lawful sources. With the approval of the Minister of Justice, the Chamber shall adopt rules regarding the level of membership fees and the method of their payment. The level of fees shall be based on the turnover of the notary's activities.

Article 78

**Code of Professional Ethics**

1. The Code of Professional Ethics shall aim to define the standards for respecting and implementing professional ethical rules of notaries, as well as the rights and duties in relations with clients, colleagues, and the organizational structures of the Chamber. The Code shall be drafted and amended in accordance with the European standards of the European Code of Ethics for Notaries.
2. The Code shall be drafted in accordance with this Law and other subordinate acts adopted in its implementation.
3. The Code shall establish detailed rules regarding professional rights and responsibilities that are mandatory in the exercise of notarial activities.
4. The Code shall enter into force upon approval by the Minister of Justice and shall be published in the Official Bulletin.
5. The Code shall be published on the official website of the Chamber and the Ministry of Justice.

Article 79

**Local Branches**

1. The minimum number of notaries required for a local branch is determined by the Minister of Justice, after obtaining the opinion of the Chamber.
2. The Minister of Justice may not establish more than one local branch for each area under the territorial jurisdiction of a Court of Appeal.
3. The Minister of Justice, after receiving the reasoned written opinion of the Chamber, shall approve the territorial boundaries of the local branches, ensuring that the branches are geographically close.

Article 80

**Bodies of the National Chamber of Notaries**

1. The governing bodies of the Chamber are:
  - a) The General Assembly;
  - b) The Chamber Council;

- c) The Chairperson;
  - ç) The Disciplinary Board;
  - d) The Audit Board.
2. The governing bodies of the Chamber are the Chamber Council and the Chairperson of the Chamber.
3. The Statute of the Chamber regulates in detail the organization and functioning of the Chamber, the relations between the Chamber and the local branches, the relations among its bodies and members, the administration and operation of the Chamber, as well as other matters within its competences as provided in this Law.

#### Article 81

##### **Activity of the National Chamber of Notaries**

The Chamber shall have the following competences:

- a) to coordinate its activities with the local branches;
- b) to represent and protect the interests of Albanian notaries at the national and international level;
- c) to ensure the protection of the social and professional rights of Albanian notaries;
- d) to provide initial training for notary candidates and continuous professional development for notaries, as well as enhance the professional qualifications of notary candidates, deputy notaries, and notaries;
- e) to establish and organize the Albanian Center for Notary Training;
- f) to create, administer, continuously improve, and update the *software* system for producing and recording notarial documents, managing national notarial activities, and ensuring interaction with all IT systems of the Ministry of Justice and other state/public or private agencies, as well as the banking system. The system shall serve all notaries practicing professionally in the Republic of Albania;
- g) to collect, administer, and reimburse membership fees and other fees set by the National Chamber of Notaries;
- h) to manage its funds and assets;
- i) to create and administer the National Register of Wills;
- j) to create and administer the National Register of Certificates of Legal or Testamentary Inheritance, or other registers, which are made available to interested parties;
- k) to create and administer a central electronic archive for documents;
- l) to take other necessary measures for the self-organization and effective representation of the notary profession, as provided in the statute;
- m) to perform other functions in the interest of the profession, except when prohibited by the Minister of Justice;
- n) to conclude a collective insurance contract for professional liability;
- o) to prepare and issue guidelines for the standardization of notarial acts, which are mandatory for all notaries.

#### Article 82

##### **Functions and activities of the local branches of the Chamber**

The local branches of the National Chamber of Notaries shall have the following competences:

- a) to inspect the working conditions provided in notaries' offices;
- b) to verify the performance of assistance activities for notaries;
- c) to verify the payment of notaries' membership fees, as well as the payment of professional liability insurance;
- ç) to notify the Chamber and the Ministry of Justice in case of violations of the Law or the Code of

Ethics by a notary or deputy notary;

d) to submit requests to the Chamber for professional and cultural activities, providing justification and the corresponding financial estimate.

#### Article 83

##### **The General Assembly**

1. The General Assembly shall consist of all members of the National Chamber of Notaries and shall be the highest governing body of the Chamber.
2. The General Assembly shall be chaired by the Chairperson of the Chamber.
3. The General Assembly shall have the following competences:
  - a) to approve the Statute of the Chamber, the Code of Professional Ethics, and their amendments;
  - b) to approve the acts of the Chamber regarding the exercise of the notary profession and their amendments;
  - c) to approve the Regulations of the Albanian Center for Notary Training and its amendments;
  - d) to approve the Mandatory Initial Training Program for notary candidates and its amendments;
  - e) to approve the Mandatory Continuing Training Program for notaries and its amendments;
  - f) to determine the general policies of the Chamber;
  - g) to elect the members of the Chamber Council, the Chairperson, and the Deputy Chairperson of the National Chamber of Notaries;
  - h) to decide on the dismissal of a member of the Chamber Council, the Chairperson, or the Deputy Chairperson;
  - i) to elect the members of the Audit Board and decide on the dismissal of any member of the Board;
  - j) to approve the annual report of the Chamber Council regarding the status of the notary profession in Albania and the administration of the Chamber;
  - k) to approve the annual budget of the Chamber and the annual financial report of the Chamber Council;
  - l) to approve the reports of the Audit Board;
  - m) to approve the regulations of the solidarity fund in favor of notaries in need;
  - n) to decide on other strategic matters within the scope of the Chamber's activities.
4. The General Assembly shall convene at least once a year.
5. The General Assembly shall be convened by the Chamber Council or upon the request of one-third of the Assembly members, the Audit Board, or the Chairperson of the Chamber. The request shall be accompanied by the agenda and draft proposals to be approved by the General Assembly.
6. The meetings of the General Assembly shall be held in the presence of more than half of the members. Decisions are made by a majority vote of the members present. Approval and amendment of the Chamber's Statute requires the votes of a majority of all members of the General Assembly. Voting in the General Assembly shall be conducted by secret ballot. Each member shall have one vote.

#### Article 84

##### **The Chamber Council**

1. The Council of the National Chamber of Notaries consists of the Chairperson, the Deputy Chairperson, and nine members. Each territorial area under the jurisdiction of an appellate

- court shall be represented by one member. No more than four members may come from the local notary branch in Tirana.
2. The Council is the executive body of the Chamber.
  3. The Council is chaired and represented by the Chairperson. In the Chairperson's absence, representation is carried out by the Deputy Chairperson.
  4. Communications, decisions, and other legal acts of the Council are signed by the Chairperson.
  5. The Council is competent to decide on all matters not expressly provided for by the General Assembly. This includes, but is not limited to:
    - a) drafting and approving the Rules of Procedure of the Council and their amendments;
    - b) preparing and convening General Assembly meetings and implementing its decisions;
    - c) organizing and managing the Chamber, including administration of its funds and assets;
    - d) representing the interests of the Chamber's members;
    - e) deciding on the creation and composition of permanent and *ad hoc* committees of the Council, and establishing their mandates and procedural rules;
    - f) electing members of permanent and *ad hoc* committees of the Council;
    - g) drafting the Chamber Statute and its amendments, and presenting them to the General Assembly and the Minister of Justice for approval;
    - h) drafting the Chamber's guidelines for the exercise of the notary profession and their amendments, and presenting them to the General Assembly and the Minister of Justice for approval;
    - i) drafting the Regulations of the Albanian Center for Notary Training and their amendments, and presenting them to the General Assembly and the Minister of Justice for approval;
    - j) approving draft regulations of the Mandatory Initial and Continuous Training Programs for notary candidates and notaries, prepared by the Executive Director of the Training Center. Upon approval, the Council shall present the draft regulations on initial and continuing training to the General Assembly and the Minister of Justice for final approval;
    - k) deciding on the rules for inspections and audits, and approving the Inspection and Audit Plan;
    - l) approving annual and special reports of inspections and audits;
    - m) drafting the Council's annual report on the status of the notary profession and Chamber administration and presenting it to the General Assembly for approval;
    - n) drafting the annual budget of the Chamber and presenting it to the General Assembly for approval;
    - o) drafting the Council's annual financial report and presenting it to the General Assembly for approval;
    - l) discussing Audit Board reports and deciding on necessary measures;
    - ll) drafting regulations of the solidarity fund in favor of notaries in need and presenting them to the General Assembly for approval;
    - p) preparing decisions on the establishment of local branches and presenting them to the General Assembly for approval;
    - q) deciding on the annual membership fee;
    - r) administering the National Register of Wills, other registers, and the archives within the Chamber's responsibility;
    - s) deciding on other matters within the scope of the Council's activities, in accordance with this Law or the Statute; and
    - t) deciding on any other matter within the jurisdiction of the National Chamber of Notaries that is not covered by the competences of the General Assembly.
  6. Council meetings shall be convened by the Chairperson, on their initiative, upon request of a Council member, or upon request of the Audit Board. The request shall be submitted to the Chairperson and shall include the agenda of the requested meeting.

7. Decisions of the Council shall be made by a majority vote of the members present, provided more than half of the Council members are present. Voting shall be open. Each member shall have one vote. In case of a tie, the Chairperson's vote shall prevail.
8. The term of office of Council members shall be four years, with the possibility of reelection. Council members do not receive remuneration or other compensation except for reimbursement of expenses.
9. The mandate of a Council member shall end in the following cases:
  - a) resignation;
  - b) revocation of the license to practice as a notary;
  - c) dismissal from office by decision of the General Assembly;
  - c) imposition of a disciplinary measure by a final decision.

#### Article 85

##### **Dissolution of the Council**

1. The Minister of Justice, after obtaining the approving decision of the Administrative Court of Appeal, may dissolve the Chamber Council if it repeatedly violates or fails to fulfill its legal obligations under this law.
2. Immediately following the dissolution of the Council under paragraph 1 of this Article, the Minister of Justice shall convene the General Assembly of the Chamber to elect new members of the Chamber Council.
3. The powers of the Council shall be exercised, until the meeting of the new Council, by the Chairperson of the Chamber for a period not exceeding three months. This period may, if clearly necessary, be extended by order of the Minister for an additional three months.
4. The Chairperson of the Chamber shall convene the meeting of the new Chamber Council immediately upon the election of its new members.

#### Article 86

##### **Chairperson of the National Chamber of Notaries**

1. The Chairperson of the National Chamber of Notaries shall represent the Chamber before all public institutions within the territory of the Republic of Albania, as well as in international relations.
2. The Chairperson and Deputy Chairperson of the Chamber shall be elected by the General Assembly, according to the principle of one member, one vote. The eligibility criteria for candidates for Chairperson and Deputy Chairperson shall be defined in the Chamber's Statute.
3. The Chairperson shall sign all acts of the Chamber.
4. In the absence of the Chairperson, representation of the Chamber shall be carried out by the Deputy Chairperson in accordance with the rules set forth in the Statute.
5. The term of office of the Chairperson and Deputy Chairperson shall be four years from the date of their election by the General Assembly. Both the Chairperson and Deputy Chairperson may be re-elected for one additional term.
6. The mandate of the Chairperson and Deputy Chairperson shall end in the following cases:
  - a) resignation;
  - b) death;
  - c) revocation of the license to practice as a notary;
  - d) dismissal from office by decision of the General Assembly;
  - e) imposition of a disciplinary measure by a final decision.
7. The rules regarding the election procedure and remuneration of the Chairperson and Deputy Chairperson shall be determined in the Chamber's Statute.

8. The Chairperson shall have the following competences:
  - a) to convene and preside over meetings of the General Assembly and the Chamber Council;
  - b) to delegate the function of representing the Chamber in relations with third parties, domestically or abroad, to a designated individual or delegation when deemed appropriate;
  - c) to ensure the administrative and economic management of the Chamber's activities.
9. More detailed rules regarding the exercise of functions of the Chairperson and Deputy Chairperson shall be set out in the Statute of the National Chamber of Notaries.

#### Article 87

#### **Audit Board**

1. The Audit Board is the auditing and financial control body of the National Chamber of Notaries.
2. The Audit Board shall be composed of three members, elected for a four-year term by the General Assembly, with the right to be re-elected only once.
3. A member of the Audit Board cannot at the same time be a member of any other body of the Chamber, except the General Assembly.
4. The Audit Board shall be chaired and represented by its Chairperson, elected by the members of the Audit Board at its first meeting.
5. Rules regarding the organization and functioning of the Audit Board shall be set out in the Statute of the Chamber.
6. The Audit Board shall have the following competences:
  - a) to examine and analyze requests submitted by the Chamber and its local branches;
  - b) to conduct special audits of the Chamber's financial and economic activities, either on its own initiative or upon request by one-fifth of the Chamber members, the Chamber Council, or the Chairperson of the Chamber;
  - c) to prepare the annual report and other special reports on the Chamber's financial and economic activities and submit them to the General Assembly and the Council.
7. The Audit Board shall have full and unrestricted access to all documents and bank account statements of the Chamber.
8. All Chamber bodies shall be obliged to fully and completely cooperate with the Audit Board by providing all requested documents and bank account statements and responding to its inquiries comprehensively.
9. If the Audit Board identifies irregularities in the financial or economic activities of the National Chamber of Notaries, or if the provisions of paragraphs 6 and 8 of this Article are violated, the Audit Board shall convene a meeting of the Council.
10. The mandate of an Audit Board member shall end in the following cases:
  - a) resignation;
  - b) revocation of the license to practice as a notary;
  - c) dismissal from office by decision of the General Assembly;
  - d) imposition of a disciplinary measure by a final decision.

#### Article 88

#### **Albanian Training Center for Notaries**

1. The Albanian Notary Training Center shall be the institution responsible for the initial training of candidates for notaries and the continuous training of notaries who are members of the National Chamber of Notaries. The Training Center shall be organized and operate as a structure of the National Chamber of Notaries and shall have academic independence.

2. The Training Center shall be administered by the Executive Director, elected for a 4-year term by the Chamber Council upon the proposal of the President of the Chamber, based on the criteria set out in the Training Center Regulations.
3. The Training Center shall draft the mandatory initial training program for candidates for notaries and the mandatory continuous training program for notaries, and submit them for prior approval to the Chamber Council. The final approval of the Training Program Regulations is done by the Minister of Justice.
4. The fees for initial training and continuous training at the Training Center shall be proposed by the Council of the National Chamber of Notaries and approved by the General Assembly of the Chamber.
5. The Chamber shall conclude cooperation agreements with chambers of liberal professions, domestic or foreign, regarding the organization of joint or specific training on notarial activity.
6. Detailed rules on the manner of organization and functioning of the Training Center for the provision of initial and continuing education, as well as on the selection and activity of academic staff, shall be set out in the Regulations of the Training Center, which shall be approved by the Assembly of the Chamber.

#### Article 89

#### **Qualification Commission**

1. The Qualification Commission shall consist of five members, as follows:
  - a) two members appointed by the Minister of Justice;
  - b) two members appointed by the National Chamber of Notaries Council, from among notaries;
  - c) one member elected by the Pedagogical Council of the School of Magistrates from the academic staff specialized in Civil Law.For each member of the Qualification Commission, the appointing bodies shall also appoint one substitute member with the same professional profile.
2. Members of the Commission shall be appointed for a four-year term, without the right to immediate reappointment. Preference shall be given to candidates who hold academic titles or degrees or have proven scientific and/or professional experience in Civil Law matters.
3. Commission members must possess high professional and moral integrity and at least ten years of professional experience in the field of Law. They shall act independently and impartially in their decision-making.
4. The Qualification Commission shall be supported by a secretary, chosen from the Chamber's employees, who ensures the necessary administrative and logistical support for the Commission's activities.
5. Commission members shall receive compensation for attending meetings from the Chamber's budget. The amount of the compensation shall be determined by the Minister of Justice, in consultation with the Council of the Chamber.

#### Article 90

#### **Initial Training and Qualification Examinations**

1. The admission examination for initial training and the qualification examination for notaries shall be based on transparent procedures, fair and reliable assessment methods, and a high level of professional knowledge of the applicants and candidates, as applicable.
2. The admission examination for initial training shall be based on the content of the mandatory one-year initial training program. It shall include at least the subjects of the Civil Code, family Law and inheritance Law, Commercial Law, Laws and regulations on notarial service, and real estate legislation.

3. Detailed rules regarding the organization of the admission examination for initial training shall be established in the regulations previously approved by the Council of the Chamber. The regulation shall be approved by order of the Minister of Justice and published on the official websites of the Ministry of Justice and the Chamber.

#### Article 91

#### **Qualification Examination for Notaries**

1. The qualification examination shall evaluate the candidate's knowledge and skills in the areas of notarial activity and the resolution of specific cases. The examination shall consist of both written and oral parts.
2. The written knowledge assessment shall constitute 75% of the total points. Candidates shall be entitled to take the written examination up to three times.
3. Only candidates who obtain at least 60% of the points in the written part shall be allowed to proceed to the oral examination.
4. The oral examination shall be conducted no later than four weeks after the corresponding written part before the Qualification Commission. Oral examinations shall be open to the public.
5. Immediately after the completion of the oral part, the members of the Qualification Commission shall provide their evaluation regarding each candidate's results in a closed-door meeting. Members first shall vote on whether the candidates have passed the examination and, if so, on the point assessment. Commission members shall be required to maintain the confidentiality of the discussions and voting during the meeting.
6. Detailed rules regarding the organization and content of the qualification examination shall be established in the Qualification Examination Regulations, approved in advance by the Chamber Council. The regulations shall be approved by order of the Minister of Justice and published on the official websites of the Ministry of Justice and the Chamber.

#### Article 92

#### **Mandatory Continuous Training Program**

1. The mandatory continuous training program shall be organized in accordance with the rules set out in the Continuous Training Regulation.
2. The Continuous Training Regulations shall determine the objectives of the continuous training program, the list of academic disciplines and other formative activities, the organization of teaching, attendance rules, the methods of assessing knowledge and skills, financial aspects, and other detailed matters regarding the mandatory continuous training of notaries.
3. Upon completion of the mandatory continuous training program, the notary shall be entitled to receive a certificate, signed by the Executive Director of the Training Center.

PART II  
NOTARIAL ACTIVITY

CHAPTER I  
GENERAL PROVISIONS

Article 93  
**Notarial Office**

1. A notary shall be licensed and may carry out notarial activity only in a single notarial office within the municipality for which the license has been granted.
2. A notary shall perform his/her activity individually in a notarial office or in cooperation with another notary, after obtaining approval from the National Chamber of Notaries.
3. In performing notarial activities, a notary may be assisted by a deputy notary and/or administrative staff.

Article 94  
**Notarial Acts and their verification**

1. Notarial acts drawn up in accordance with the Law shall have the power of authentic acts.
2. The acts of last wills and testaments shall not be subject to verification as long as the testator is alive.

Article 95  
**Electronic Documents**

1. The notary shall issue a certified document in electronic form. The electronic document shall contain a qualified electronic signature based on a qualified certificate that is valid at the moment of signature creation. The electronic signature shall be created by the notary, and all data related to the creation of the qualified electronic signature shall be personally managed by the notary, in accordance with the legislation in force on electronic signatures.
2. The electronic signature created by the notary shall contain the full name, signature, as well as the date and time of creation.
3. The Minister of Justice, upon the proposal of the National Chamber of Notaries, shall approve further rules regarding the requirements for creating and using electronic notarial documents.

Article 96  
**Access to and Application via Electronic System in Public Electronic Registers**

1. The notary shall apply through the Chamber's electronic system to the Civil Status Office, the Public Immovable Property Register, the Securing Charges Register, the General Directorate of Vehicle Registration, as well as other public registers, in order to retrieve the information necessary for the preparation of notarial acts and actions, in accordance with the applicable legislation on state databases.
2. The notary shall apply only through the electronic system at the public registries for the registration of notarial acts and actions.
3. The method of interconnection, the level of access and interaction with the database, including the electronic system of the Albanian notarial register, shall be determined by decision of the Council of Ministers.

## Article 97

**Refusal to draft a Notarial Act or perform a Notarial Action**

1. The notary shall refuse to draft an act or perform any notarial action if its content is in manifest contradiction with the requirements of the Law.
2. The refusal shall be issued with a reasoned decision of the notary and communicated to the applicant within five days from the submission of the request to draft the act.
3. Persons who have been denied notarial service may, within one month from the date of written notification of the refusal, appeal to the administrative court of first instance in the territory where the notarial office operates.
4. In addition to the lawsuits provided under Article 46 of the Code of Civil Procedure, any action or decision of the notary regarding issuance, refusal of issuance, correction of errors, or modification of inheritance certificates may be appealed in court, according to the rules for adjudicating administrative disputes.

## Article 98

**Conflict of Interest**

A notary or deputy notary may not perform a notarial act when:

- a) they are personally involved or have an interest in the matter;
- b) they or their spouse are guardians, relatives up to the third degree, in-laws up to the second degree, or are linked by adoption obligations or permanently cohabit with the interested person;
- c) they or their spouse are in a credit or loan relationship with the interested person;
- d) they have given advice, expressed an opinion, participated in adjudicating the case, or have been questioned as a witness, expert, or representative of a party in a matter involving the interested person;
- e) they are an employer, administrator, or hold another position in an entity, association, company, or institution of interest.

## CHAPTER II

## DRAFTING OF NOTARIAL ACTS

## Article 99

**Method of drafting Notarial Acts**

1. Notarial acts shall be drafted based on the free, full, and uncoerced will of the parties participating in the notarial act, and in reference to the purpose the act seeks to regulate and/or achieve. Notarial acts must be drafted clearly and unambiguously to avoid misunderstandings or misinterpretations.
2. Notarial acts that concern representation through a power of attorney, regardless of the scope of representation, must explicitly specify: the date of issuance of the power of attorney, its object, the legal circumstances of representation, its validity, term, as well as cases in which the power of attorney may be terminated, and any other element provided in the Civil Code.

## Article 100

**Language Used in Drafting Notarial Acts**

1. The Albanian language shall be used in drafting acts and in notarial activity.
2. When the interested party, or one or both parties, do not understand Albanian, the notary, either personally if accepted by the parties, or through a translator approved by the notary and the parties, shall translate the entire content of the act, noting the declaration of the party or

parties that they have understood and accepted its content. When the notarial act is translated mainly by a certified notary included in the list of official translators, the notary is personally responsible for the translation.

3. When a party or participant in the notarial act is deaf, mute, or otherwise unable to communicate, the notary acts with the assistance of a person capable of communicating with them, as a witness. In the case of blind persons, a third party is present as a witness in the notarial act. The notary identifies the witness in the notarial act, who shall sign the act in the place of the party.

#### Article 101

##### **Identification of participants in the Notarial Act or Action**

1. The identity of each participant in the notarial act shall be verified through an identity card or another document provided under Albanian legislation in force for this purpose. The type of identification document used for each participant shall be expressly mentioned in the notarial act, and a copy shall be attached to the act.
2. Before performing the notarial act, the notary shall verify in the registry maintained by the National Chamber of Notaries whether the participants have full legal capacity to act, whether a final court decision has revoked their capacity, whether they have been declared bankrupt, whether they are prohibited from holding certain public positions, or whether they have been declared as financers of terrorism, in accordance with the legislation in force on the prevention of money laundering and terrorism financing.
3. The notary, when in doubt, shall request the relevant medical report be submitted and such report shall become part of the notarial act. The notary is entitled to refuse to carry out the requested notarial act until the relevant medical report is submitted by the interested parties. All actions taken to certify whether there is capacity to act shall be expressly mentioned in the notarial act.

#### Article 102

##### **Signing of the Notarial Act by the parties**

1. Notarial acts shall be regularly signed by the participants in the presence of the notary, after the notary has drafted the act and informed the parties of its content. The signature shall be accompanied by the full name of the parties. Parties shall place their signature on each page of the act and, at the end of the act, shall provide their full name and signature. Representatives participating in the notarial act must indicate this fact at the end of the act. In this case, a copy of the power of representation shall be attached to the act. The notary shall record all of the above actions in the notarial act.
2. When a party cannot write or is physically unable to do so, they shall authorize another person to sign on their behalf, whose identity the notary shall verify in the same manner as for the parties.
3. When the signature in the notarial act is written in a non-Albanian alphabet, the notary shall ensure its accuracy through a recognized and appointed translator. The notary may also personally perform the translation themselves, as provided in Article 100, paragraph 2. The notary shall record all the above-mentioned actions in the notarial act.

#### Article 103

##### **Interested Third Party**

An interested third party in an act may not participate in it as a translator, witness, or signatory on behalf of a party. In this case, the rules provided in Article 98 of this Law shall apply.

## Article 104

**Notarial Expenses**

Notarial expenses shall be governed by the legislation in force for this purpose. All parties to the act are fully responsible for the expenses. The parties may agree otherwise, provided that their obligation toward the notary is not affected.

## Article 105

**Content of the Notarial Act**

1. The notarial act shall be drafted by the notary in the presence of the parties.
2. The notarial act shall contain:
  - a) the repertory and collection number, the electronic identifier of the act, and the location of its drafting;
  - b) the day, month, and year of drafting, the type of act, and, where applicable, the start and end time of the act;
  - c) the declared addresses of all parties;
  - d) the detailed description of the circumstances and the condition of the parties signing the act, as well as any other element occurring in the presence of the notary;
  - e) the name and surname of the notary and the location of the notarial office;
  - f) the name, surname, father's name, date of birth, and residence of the parties, and, in the case of legal entities, their name and registered office; the names, patronymics, and surnames of their representatives and any other participants in the act, as well as the notary's verification of the identity of the parties, their civil status, legal capacity, and capacity to act;
  - g) the statements of the parties and the documents they present;
  - h) a clear description of the objects constituting the subject of the act, including their qualities and distinguishing features. For immovable property, the location and precise boundaries are indicated;
  - i) any serious events verified during the drafting, if requested by the parties;
  - j) the documentation attached to the act, forming also an integral part of it;
  - k) the fact that the notary read and explained the act to the parties and that they declared they understood and accepted it, as well as the placing of signatures in the notary's presence;
  - l) the signatures of the parties and all present persons, as well as the notary's signature and certification.
3. In cases of immovable property transfer, the notary shall declare that ownership has been verified in the electronic real estate registry, attaching a copy of the relevant registry content to the act, such as the transaction permit, property card, and location map.
4. For transfers of immovable property, the act must also indicate the method of payment of the price. The technical procedure for payment is determined by a joint instruction of the Minister of Justice and the Minister of Finance. The notary's special bank account may also serve, upon request by the parties, for other notarial acts not involving property transfer but containing obligations toward the parties.
5. Notarial acts involving the transfer of immovable property must also indicate the marital property regime, explicitly noting the presumption of legal co-ownership if the property was acquired during marriage.

## Article 106

**Registration of Notarial Acts and actions**

1. The notarial act, drafted by the notary, shall be registered with a registry number and a collection number, whereas a notarial action shall be registered only with a registry number. Each act and action shall be assigned a unique electronic number from the electronic system.

2. Notarial acts and actions, after drafting and signature by the parties and the notary, shall be simultaneously recorded and reflected in the general registry of notarial acts and actions, both manually and electronically, until the registry is maintained solely in electronic format.
3. Detailed rules for registering notarial acts and actions shall be provided by the instruction of the Minister of Justice, following the opinion of the Chamber.

#### Article 107

#### **Correction of errors in Notarial Acts and actions**

Corrections in a notarial act shall be permitted when:

- a) the notary identifies material errors that do not affect the essential content of the act. In this case, the notary proceeds by erasure, clearly indicating the corrected portion with their signature and wet seal, or by making an addition in a separate correction certificate attached to the original. All parties who have received copies of the original must be informed of the correction.
- b) when it becomes necessary to remove, add, or change errors in the act or notarial action, which are essential to the content of the act or action. Corrections shall be bracketed, underlined, and clearly indicated, with the removed content specified. The parties and the notary shall sign beside the changes. In the issuance of a certificate of inheritance, the requester signs;
- c) in all cases referred to in paragraphs 1 and 2, the removed words or sentences shall have no legal effect and shall be considered null in the context of the act. If the act consists of multiple pages, they must be numbered and bound, specifying the total number of pages.

2. Detailed rules for correcting errors in notarial acts and actions shall be set forth in the instruction of the Minister of Justice, upon the proposal of the National Chamber of Notaries.

#### Article 108

#### **Issuance of copies of Notarial Acts**

1. At the request of the parties, the notarial act shall be drafted in multiple originals, one of which shall be retained in the notary's office, and the other copies shall be delivered to the parties.
2. The originals of the notarial acts are kept in the notary's archive and cannot be withdrawn from it, except in cases where a court or the prosecution requests them. In such cases, a note shall be placed in the file from which the act was withdrawn. These authorities, after extracting the necessary content from the act during investigation or trial proceedings, shall be obliged to return the act to the notary.

### CHAPTER III

### NOTARIAL ACTS AND ACTIONS

#### Article 109

#### **Notarial Will**

1. When a will is required to be made by notarial act, the testator must dispose of it before the notary, who shall draft the corresponding act according to the rules provided by this Law.
2. After recording the identity of the testator, as well as the exact date and time of the act's drafting, and after being convinced of the testator's legal capacity to act, the notary shall inform the testator if any provision contradicts the Law, but the notary may not assess or interpret specific matters, such as the circle of persons designated in the will as heirs, the testator's ownership of the property being bequeathed, or other such issues of a substantive nature.
3. Upon drafting the will in accordance with paragraphs 1 and 2 of this Article, the notary shall register it in the National Register of Wills, maintained by the National Chamber of Notaries.

4. The notary shall refuse to draft the act if the testator's dispositions do not comply with the validity requirements of the will under the Civil Code.

#### Article 110

#### **Holographic Will**

1. The Holographic Will shall be entirely handwritten by the testator and deposited at the notary's office in a sealed envelope.
2. The testator shall sign the envelope with their full name and date.
3. The Holographic Will shall be registered in the National Will Registry, and the testator's data in the electronic will registry.

#### Article 111

#### **Request for Issuance of Certificate of Inheritance**

1. Upon being officially notified through a written request by the interested parties, the notary shall:
  - a) verify their territorial competence when the issuance of a certificate of statutory inheritance is requested, in accordance with the provisions of the Civil Code;
  - b) submit a request to the National Chamber of Notaries, attaching a copy of the interested party's request and a copy of the deceased's death certificate.
2. Upon receiving the request, the National Chamber of Notaries shall, within 3 days, check the National Will Registry and the National Registry of Certificates of Inheritance to determine whether the deceased left a will and/or whether a certificate of statutory or testamentary inheritance has already been issued by another notary.
3. Within 3 days of receiving the response from the Chamber, the notary shall:
  - a) direct the interested party to the notary who issued the certificate of inheritance or before whom the will was drafted, if applicable;
  - b) proceed with issuing the certificate of statutory or testamentary inheritance in accordance with the Civil Code and register it in the National Registry of Certificates of Inheritance.
4. In issuing a testamentary certificate of inheritance, the notary shall verify the validity of the testator's dispositions in accordance with the provisions of the Civil Code.
5. If a testamentary disposition is invalid, the notary shall, through a reasoned decision, declare the testament null and void and proceed with issuing the certificate of statutory inheritance. If only certain dispositions of the testament are declared invalid, the certificate of statutory inheritance shall be issued only for those specific dispositions.

#### Article 112

#### **Content of the Certificate of Inheritance**

1. The certificate of inheritance must include:
  - a) the legal basis and elements establishing the notary's territorial competence to issue the certificate;
  - b) the data of the applicant: name, surname, gender, date and place of birth, civil status, nationality, identity number, address, and relationship with the deceased;
  - c) the data of the deceased: name, surname, gender, date and place of birth, civil status, nationality, address at the time of death, date and place of death;
  - d) the data of the heirs: name, surname, gender, date and place of birth, civil status, nationality, identity number, address;
  - e) information on the deceased's marital property regime, if any;
  - f) information on disqualification or renunciation of inheritance, if any;

- g) information on any legacies and encumbrances, if any;
  - h) the respective shares of each heir;
  - i) any other data required by the legislation in force.
2. The notary shall include in the certificate that, irrespective of the heirs' circle at the time of registration with the authority responsible for registering immovable property, the certificate of inheritance cannot affect the share of the surviving spouse presumed as co-owner of the property acquired during the marriage.
  3. In the certificate of inheritance, the notary shall provide that the applicant must deposit a copy of the certificate with the authority responsible for registering immovable property within 30 days. The notary must attach to the corresponding act the marriage certificate(s) of the surviving spouse(s), if applicable.

#### Article 113

##### **Issuance of the Certificate of Inheritance**

1. Within 3 days of receiving the response from the Chamber, the notary shall:
  - a) inform the interested party of the Chamber's response and refer them to the notary competent to issue the certificate;
  - b) proceed with issuing the certificate of statutory or testamentary inheritance in accordance with the Civil Code and perform the necessary registrations.
2. When a testamentary disposition is entirely invalid, the notary shall, through a reasoned decision, declare the testament null and void and proceed with issuing the certificate of statutory inheritance.
3. If the testament is partially invalid, the procedure above shall apply, and the certificate of statutory inheritance shall be issued only for the part of the testamentary dispositions declared invalid.
4. At the opening of a testamentary inheritance, the notary shall identify heirs entitled to the legal reserve and include them in the certificate of inheritance, providing a reasoned justification for their inclusion.
5. During the drafting of the testamentary certificate, the notary shall provide a reasoned explanation regarding the existence of heirs benefiting from the legal reserve and include them as testamentary heirs, clearly specifying their respective shares.
6. If the notary finds that some testamentary dispositions contradict the provisions of the Civil Code, they shall, by a reasoned decision, declare partial invalidity of the testament and issue both testamentary and statutory inheritance certificates accordingly.
7. If the testament is found to be entirely invalid, the notary shall issue a reasoned decision declaring full invalidity and proceed with issuing the certificate of statutory inheritance.
8. The notary shall issue the certificate of inheritance in original copies, one of which shall be retained in the notarial archive, one shall be delivered to the heirs, and one shall be sent to the authority responsible for registering immovable property. If the applicant is an interested party who is not an heir, the notary shall issue an original copy also to the applicant.
9. In cases where the certificate of inheritance is opened by an interested party not included in the circle of heirs, the notary shall deposit an original copy with the authority responsible for registering immovable property. In all other cases, the notary shall issue copies matching the original from the notarial archive.

#### Article 114

##### **Correction of Errors in the Certificate of Inheritance**

1. The notary, either ex officio or upon request by any person with a legitimate interest, may at any time correct typographical errors, mistakes in the allocation of shares, or any obvious inaccuracies in the certificate of inheritance.

2. The notary shall immediately notify all persons who, pursuant to Article 113 of this Law, have been issued a uniform copy of the certificate of inheritance of any correction made.
3. In the event the notary identifies errors in the certificate of inheritance, either ex officio or upon the request of a person with a legitimate interest, they may correct mistakes in the designation of heirs or the allocation of their shares at any time. The correction in such cases is made through a separate written document, which is attached to the certificate and constitutes an integral part of it.
4. At the request of any heir and/or interested person, when the certificate of inheritance was issued at their request, if the notary determines that the certificate did not reflect the full circle of heirs due to incomplete documentation and resulting changes in shares, the notary may correct the original certificate by issuing a new certificate of inheritance.
5. In the cases provided in paragraphs 1–4 of this Article, the notary shall immediately notify, via email and/or the Albanian postal service, and/or the civil status offices at the person's place of residence, using the addresses recorded in the certificates, all persons who, pursuant to Article 113 of this Law, were issued a copy of the certificate of inheritance of any decision taken for correcting errors.

#### Article 115

##### **Amendment of the Certificate of Inheritance**

1. The notary, upon registering a renunciation of inheritance when a certificate was previously issued, shall proceed to issue a new certificate of inheritance, which shall be immediately communicated to all persons who, pursuant to Article 113 of this Law, were issued an original copy of the initial certificate.
2. The new certificate of inheritance shall reflect the data concerning the act of renunciation, changes in the circle of heirs, and their respective shares.
3. After issuing the new certificate of inheritance, the notary shall record the appropriate annotation in the initial certificate and then register the new certificate in the National Registry of Certificates of Inheritance.

#### Article 116

##### **Invalidity of the Certificate of Inheritance**

1. When, by a final court decision, the testament is declared null and void, and this decision affects the content of the certificate of inheritance, the notary who issued the certificate, within 3 days of being notified or upon the request of the interested party, shall acknowledge the invalidity of the previously issued certificate and shall proceed with issuing a new certificate of inheritance.
2. The new inheritance certificate shall be immediately notified to all the persons to whom an initial counterpart of the inheritance certificate has been issued.

#### Article 117

##### **Notary actions in case of Renunciation of Inheritance**

1. At the request of a legal and/or testamentary heir, as well as the person wishing to renounce inheritance, the notary, in accordance with the Civil Code, shall prepare a notarial declaration in the name of the applicant for renunciation of inheritance.
2. If a certificate of inheritance has not been issued, the heir shall declare renunciation by a notarial declaration within the prescribed term, and the notary subsequently shall issue the certificate of inheritance, respecting the Civil Code provisions regarding substitution of the heir renouncing inheritance.

3. If a certificate of inheritance has previously been issued and the heir requests renunciation within the legal term, the heir shall draft the notarial declaration for renunciation of inheritance.
4. After drafting the notarial declaration for renunciation of inheritance, the notary shall issue a new certificate of inheritance, in accordance with the Civil Code, reflecting the changes in the circle of heirs, their respective shares, and information regarding the act of renunciation.

#### Article 118

#### **Minutes of the Opening of Wills**

1. The testament executed by notarial act or holographic testament shall be opened by the notary who drafted it, based on a request submitted by a testamentary/legal heir or the interested party.
2. The holographic testament shall be opened by the notary with whom it was deposited, based on a request submitted by a testamentary/legal heir or the interested person.
3. The testamentary/legal heir or interested person must submit to the notary the request, the deceased's death certificate, and the applicant's identification document.
4. The notary shall draft the minutes of opening the testament in all cases, even when they do not proceed with issuing the certificate of inheritance.
5. During the drafting of the testamentary certificate, the notary shall manage all opened records, provide reasoning regarding the existence of heirs entitled to the legal reserve, and include them, clearly specifying their respective shares.

#### Article 119

#### **Issuance of the Certificate of Inheritance for Early Notarial or Special Wills**

1. In case an original will is presented before a notary, by a registered notarial act but the notary's archive is missing, or as a special will drafted according to the legislation in force at the time, the notary before whom the applicant appears with the respective will, regardless of any connection to the testator, shall register it in the Wills Register and, within three days, shall notify the Chamber to record it in the National Register of Wills.
2. After registration in the National Register of Wills, the notary, based on the relevant request, shall proceed with the issuance of the certificate of inheritance.

#### Article 120

#### **Procedure for Issuing the Certificate of Inheritance when there are multiple wills**

1. If the testator has left more than one will with different notaries, each notary, based on the request of the testamentary/legal heir or the interested person, must prepare a record of opening the will. All wills must be opened through this record in order to proceed with issuing the testamentary certificate of inheritance, a decision issued by the notary who drafted, or with whom the last will of the deceased is deposited.
2. A copy of the minutes of the opening of each notary's will shall be provided to the applicant, who must present it to the notary who drafted it or with whom the last will was deposited, and who will issue the certificate of inheritance, according to the provisions of the Civil Code.
3. The notary, who has drafted or where the last testament has been filed, shall reflect at the grounds part of the minutes for opening the testaments, citing the property and the heir, not to overlap the last testamentary certificate on the properties the testamentary certificates has not been issued for, and at the end of the ordering provisions the entire circle of the

testamentary heirs is determined, according to the minutes of the opening, the property and the belonging parts.

4. If the notary who has edited/or where the last testament of the testator was filed, finds that one of the previous wills is partially or completely invalid, shall declare it as such and shall issue the certificate of the testamentary certificate for the valid part of this will, in case of the conditions of the partial invalidity and shall issue the testamentary inheritance certificate for the other valid wills.
5. In the case when two testaments have been drafted and the second testament is found invalid, then the notary who has drafted the first testament shall carry out the procedures for opening the inheritance and for the issuance of the inheritance certificate.

#### Article 121

##### **Interested Persons**

1. Testamentary heirs, legal heirs, and persons deemed interested by the notary, following a written and reasoned request, shall have the right to request the issuance of the certificate of inheritance.
2. Interested persons shall include any natural or legal person, or their representative, who, after the death of the deceased, shall prove a legitimate interest in the issuance of the certificate of inheritance. The term “interested persons” shall also include public or private institutions, enforcement agents involved in debt enforcement procedures, judicial institutions, or any individual or legal entity, or their representative, who, after the death of the deceased, shall demonstrate, through a substantiated request, a legitimate interest either in the issuance of the certificate of inheritance or in the opening of the will through an official record.
3. The legitimate interest of any natural or legal person in requesting a certificate of inheritance must be based on a final judicial decision, an enforcement decision, a court document addressed to the notary, or other documentation proving the legal interest, including a lawsuit filed in court with proof of filing and an original copy of the claim, or any other case where the notary shall evaluate the legitimate interest.
4. Interested persons, upon receiving the decision for issuance of the certificate of inheritance, shall be obliged to present the decision to all public or private entities where registration of this decision is required, in order to avoid any applicable sanctions. This obligation must also be reflected in the certificate of inheritance issued by the notary.

#### Article 122

##### **Issuance of the Certificate of Inheritance for each Testator**

1. The notary shall issue the certificate of inheritance only for one testator at a time, determining the heirs and their respective shares.
2. The certificate of inheritance issued by the notary on behalf of one testator cannot include other testators.
3. Only one certificate of inheritance shall be issued for each testator, specifying only the circle of his/her heirs.

#### Article 123

##### **Absence of the Death Certificate and other records**

1. A judicial decision certifying the fact of death, in accordance with the provisions of the Civil Procedure Code, shall serve as a necessary document for issuing the certificate of inheritance of a person not registered in the civil status registers.

2. A judicial decision certifying the family composition of the deceased shall serve as a necessary document for issuing the certificate of inheritance of a person whose family composition is not recorded in the civil status registers.

#### Article 124

#### **Will in favor of a Foreign National**

1. When a will is drafted by an Albanian citizen in favor of a person who is a foreign heir, the notary shall not refuse to issue the certificate of inheritance if the will meets the criteria of validity under the provisions of the Civil Code and this Law.
2. Verification of the foreign national shall be verified based on a birth certificate containing an apostille seal or legalized at the consular offices of the respective countries, in accordance with legislation on the mutual recognition of documents.

#### Article 125

#### **Retrieval of Civil Status Records by the Notary and Application via the System**

The notary to whom the legal or testamentary heir, or interested person, submits a request for issuance of the certificate of inheritance shall have the right to request, from the relevant civil status offices or through authorized persons, any certificate necessary for issuing the testamentary or legal certificate of inheritance.

#### Article 126

#### **Procedures for Transfer of Immovable Property**

1. The notarial act for the transfer or recognition of ownership of immovable property, or of a real right thereto, shall be carried out by the notary after verifying ownership through the electronic system for immovable property. For this verification, the party shall submit to the notary the necessary ownership documents and their written authorization.
2. The notary shall record the verification in the notarial act for the transfer of immovable property and shall attach the verification results.

#### Article 127

#### **Procedures for the Alienation of Immovable Property Under the Marital Property Regime**

1. In cases of alienation or recognition of ownership of immovable property or real rights thereto for natural persons, the notary shall attach to the respective notarial act the family and/or marital certificate of the purchasing party. The notary makes the relevant description in the contract, citing as purchaser/joint-owner the absent spouse, *ipso jure*, by virtue of acquired ownership rights during the marriage, in accordance with the provisions of the Family Code.
2. When the notary shall determine that the immovable property acquired during the marriage, for which the notarial act for alienation or recognition of ownership is requested, is registered only in the name of one spouse and the presumed co-owner spouse has passed away, the notary shall request issuance of the certificate of inheritance for the presumed co-owner spouse and shall record the heirs in the property certificate for the property subject to the act of alienation or recognition of ownership.

#### Article 128

#### **Authentication of Signatures**

Authentication of signatures shall be carried out for private documents that do not involve the execution of a contract or another legal act. Authentication shall be made at the end of the document, after the signatures, with a note by the notary stating that the persons appeared in person and signed in their presence or acknowledged that the signatures were theirs.

#### Article 129

##### **Authentication of Conformity with the Original**

1. The notary shall certify the conformity of copies or extracts of documents with the original, of published documents, and of any other document after comparing their content.
2. The notary must indicate in the certification by whom the document was presented, from which the copy or extract was made, and whether it was taken from an original document or from another certified copy.
3. If the submitted document contains annotations, corrections, additions, deletions, or other special markings, the notary shall verify and reflect them in the certification. The verification shall also reflect if the original document is torn, damaged, or otherwise appears suspicious in its appearance, except where this is clearly evident from the copy of the original document.
4. For extracted copies, the notary shall clarify whether the removed parts are related to the sections presented in the document.
5. If the document is in a foreign language, the notary shall certify conformity with the original by requesting the assistance of a translator, or mainly shall perform the translation themselves, in accordance with the provisions of Article 100 of this Law.

#### Article 130

##### **Certification of the Date of Document Submission**

The notary shall provide the interested party with a certificate indicating the date of submission of the document to the notarial office, specifying the type of document submitted, the interested person, and, if requested, the hour and minute of submission.

#### Article 131

##### **Certification of the Existence or Residence of a Person**

The notary shall certify that a person is alive or has a specific residence when the person appears before them, or when the notary goes to the person's location and verifies their identity, or when there is irrefutable evidence, accompanied by the relevant documents, which the notary considers conclusive. The certification must precisely indicate the date, hour, and minute of the person's presence.

#### Article 132

##### **Acceptance of Documents for Safekeeping**

1. The acceptance of documents for safekeeping in the notary's office shall be carried out at the request of the interested parties, or as provided by special legislation. Documents may also be submitted in sealed envelopes. In such cases, the person shall sign the envelope.
2. For the acceptance of documents for safekeeping, the notary shall prepare a written record (minutes), which shall include the date of acceptance, the full identity of the person, and a detailed description of the document received.
3. The document shall be returned to the person upon their request, or to a person designated by them in the acceptance record, a person legally entitled to it, or to their heirs.
4. The notary shall maintain a record upon returning the document.

## Article 133

**Safekeeping of Valuable Securities or Monetary Assets**

1. When, during the drafting of a notarial act, it becomes necessary to accept for safekeeping, together with the act, securities or valuable items intended for a specified person or other legally entitled persons, the notary shall accept them and shall keep a record specifying the date of submission, full identity of the depositor, description of the deposited items, date of delivery, and the identity and address of the beneficiary.
2. When, during the drafting of a notarial act, it becomes necessary to accept for safekeeping monetary values, in domestic or foreign currency, intended for a specified person or other legally entitled persons, the notary shall accept them and shall deposit them into the special notarial transaction bank account, maintaining a record indicating the date of submission, full identity of the depositor, the amount deposited, date of delivery, and the identity and address of the beneficiary.

## Article 134

**Notifications of Extrajudicial Acts**

1. Any person may request the notary to communicate a notice, declaration, or document they consider to have legal effect to another person.
2. The requesting party shall submit the document to the notary or shall declare it before the notary. In this case, the notary shall keep the corresponding record and shall communicate it to the other person or party.
3. The notary shall deliver notifications via registered mail. Responses shall also be communicated in the same manner.
4. Communication may also be carried out via telegram, fax, or telefax, in accordance with rules established by the Minister of Justice.

## Article 135

**Certification of Translations**

The translation of a document from a foreign language into Albanian, and vice versa, shall be carried out by the notary if they are listed as an official translator for the language by the Ministry of Justice. For languages not mastered by the notary, the translation shall be carried out by translators included in the official list of translators for official documents or by other persons for documents of a different nature.

In cases of translations made by translators or other persons accepted by the parties, the notary shall record the identity of the translator, in the same manner as the parties. The translation shall be written at the end of or beside the document and signed accordingly by the notary, pursuant to the Law, or by the translator.

## Article 136

**Conducting Inventories**

The notary, at the request of citizens, or when mandated by Law or a court, shall conduct inventories of property, shall describe the condition of items, and shall carry out other actions of this nature, keeping a record, in accordance with the requirements of this Law.

CHAPTER IV  
INVALIDITY OF NOTARIAL ACTS AND ACTIONS  
AND NOTARIAL REGISTERS

Article 137

**Invalid Notarial Acts and Actions**

Notarial acts and actions shall be deemed invalid in all cases where invalidity is expressly provided by Law, or when such invalidity constitutes a necessary sanction in accordance with the purpose of the Law, particularly in the following cases, without limitation:

- a) their execution falls within the competence of another state authority;
- b) the notarial act or action involves persons referred to in Article 98 of this Law;
- c) the notarial act contains dispositions in favor of persons for whom prohibitions are provided under Article 98 of this Law;
- d) the notarial act or certification of signatures is not personally signed by the parties or their authorized representatives;
- e) the notarial act does not indicate the identity of the parties, the date, and the place where it was executed;
- f) the notarial act or action does not include the signatures of the parties, or is not signed and sealed with both notarial seals;
- g) the notarial act is drafted without respecting the rules in paragraph 2 of Article 105 of this Law.

Article 138

**Appeal on the Invalidity of Notarial Acts or Actions**

1. The invalidity of a notarial act or action may be requested by persons who participated in its drafting, and by any person who derives rights or assumes obligations from it. The request shall be examined by the district court in whose territory the notarial office that performed the acts or actions operates.
2. In the court decision declaring a notarial act invalid, the respective notarial office shall be ordered to make the appropriate entries in the original act, which is kept in that office.

Article 139

**Notarial Registers**

1. Every notarial office is required to maintain:
  - a) the general register, in which all notarial acts and actions are recorded;
  - b) the register of wills.
2. By order of the president of the district court, a judge of that court shall number the pages of the above registers and shall place the corresponding notation at the beginning and end of each register, signing and sealing it with the court seal.

Article 140

**The National Register of Wills and The National Register of Certificates of Inheritance**

1. At the National Chamber of Notaries, the National Register of Wills shall be created, in which notaries shall register the wills signed before them, and the National Register of Certificates of Inheritance, in which notaries register certificates of legal or testamentary inheritance.
2. The registration of notarial acts provided for in paragraph 1 of this Article in the respective registers shall be carried out by the notary within 48 hours of their signing.
3. The National Register of Wills and the National Register of Certificates of Inheritance shall be administered by the Chamber, under the supervision of the Ministry of Justice.
4. Detailed rules for the National Register of Wills and the National Register of Certificates of Inheritance shall be approved by order of the Minister of Justice.

#### Article 141

#### **Maintenance of Registers and Notarial Archives**

The Minister of Justice shall issue a specific instruction regarding:

- a) the recording, administration, and preservation of notarial acts and documents, as well as the organization, functioning, and safekeeping of notarial archives, including their format;
- b) the form, content, verification of correctness, and administration of the registers of notarial activity.

#### CHAPTER V

#### TRANSITIONAL AND FINAL PROVISIONS

#### Article 142

#### **Transitional Provisions**

1. The issuance of new licenses for notaries shall be suspended throughout the country until the ratio between the total number of notaries in the Republic of Albania and the population is achieved, pursuant to Article 10 of this Law.
2. During the transitional period provided for in paragraph 1 of this Article, vacant notary positions in municipalities where the ratio falls below the required level, pursuant to paragraph 2 of Article 10 of this Law, shall be filled:
  - a) through the transfer of notaries from other municipalities;
  - b) by licensing deputy notaries as notaries; or
  - c) by utilizing service days, pursuant to paragraph 6 of Article 10 of this Law.
3. During the transitional period provided for in paragraph 1 of this Article, no more than 10 candidates may be admitted every three years into the initial training program referred to in Article 6 of this Law.
4. Local Chambers shall be obliged to adapt their organization and functioning following the redefinition of the minimum number of notaries per local branch, in accordance with the provisions of this Law, and in any case, no later than 6 months after the entry into force of this Law. The governing bodies of the local chambers in office shall continue their functions until the end of their term, provided they are not affected by the reorganization.
5. The Chairperson, Deputy Chairperson, and members of the Council of the National Chamber of Notaries, elected pursuant to the provisions of Law no. 7829, dated June 1<sup>st</sup>, 1994, "On Notaries", as amended, shall remain in office until the end of their mandate.
6. The National Chamber of Notaries shall *ex lege* (by law) succeed the local chambers of notaries. All assets and funds of the local chambers shall be transferred to the ownership of the Chamber, while documents and archives of the local chambers shall remain under the administration of the respective local branches.

7. The Chairperson of the Chamber shall convene the General Assembly of the Chamber no later than 9 months from the date of entry into force of this Law. The Chairperson shall prepare all necessary decisions to be adopted at the first meeting of the General Assembly, in implementation of this Law.
8. The National Chamber of Notaries shall take the necessary measures to establish and begin operations of the Albanian Center for Notary Training no later than 1 year from the entry into force of this Law.
9. The period of full-time practice as a notary assistant prior to the entry into force of this Law shall be considered valid for the purpose of calculating the two-year period of practical training for candidates, including cases where the candidate has already completed the 2-year period. Candidates who have completed or are undergoing the 2-year internship on the date of entry into force of this Law shall not be exempt from the obligation to pass the entry examination for the initial training and attend the mandatory 1-year training program at the Albanian Center for Notary Training.
10. The Ministry of Justice, in cooperation with the National Chamber of Notaries, shall take measures within 9 months from the entry into force of this Law to identify and take over archives that have not yet been submitted over the years. The procedures for identifying and the steps for taking over the archives, according to this Law, shall be determined by order of the Minister of Justice.
11. Notarial archives shall also be administered in digital format. Within 5 years from the entry into force of this Law, notaries shall complete the full digitization of their archives. The method for digitization, administration, preservation, and submission of the archive in digital format shall be determined by instruction of the Minister of Justice, upon proposal of the National Chamber of Notaries.
12. Within 1 month from the entry into force of this Law, every notary and deputy notary shall submit an updated, complete personal file to the Ministry of Justice. The list of documents to be submitted and the format of the self-declaration form shall be determined by order of the Minister of Justice, after consultation with the National Chamber of Notaries.
13. Disciplinary proceedings already in progress shall be carried out in accordance with the legal provisions in force at the time of their initiation.

#### Article 143

##### **Bylaws**

The Minister of Justice shall be responsible for issuing orders and instructions to implement this Law within nine months from the date of its entry into force, unless a shorter deadline is provided in this Law.

#### Article 144

##### **Repeals**

1. Law No. 7829, dated June 1<sup>st</sup>, 1994, "On Notaries," as amended, shall be repealed upon the entry into force of this Law.
2. Bylaws issued under Law No. 7829, dated June 1<sup>st</sup>, 1994, "On Notaries," as amended, shall remain in force as long as they do not contradict this Law, until the issuance of new bylaws.

#### Article 145

##### **Entry into Force**

This Law shall enter into force 15 days after its publication in the Official Bulletin.

**CHAIRMAN**  
Gramoz Ruçi

Approved on December 20<sup>th</sup>, 2018